

# Spoils of War

**International Newsletter. No. 3. December 1996**

**Imprint:****Editorial board:**

István Fodor, Ekaterina Genieva, Wojciech Kowalski, Josefine Leistra,  
Doris Lemmermeier, Jacques Lust.

Editing: Doris Lemmermeier, Christiane Kienle.  
Technical assistance: Meike Frers, Hilde Haegeman.  
Translations: Meike Frers, Christiane Kersten.

**Editorial address:**

Koordinierungsstelle der Länder für die Rückführung von Kulturgütern  
beim Senator für Bildung, Wissenschaft, Kunst und Sport  
Herdentorsteinweg 7, D-28195 Bremen  
Phone: 0049 - 421 - 361 6788 / 361 16173  
Fax: 0049 - 421 - 361 6025

**Addresses of the members of the editorial board:**

István Fodor, Magyar Nemzeti Múzeum, Múzeum körny 14-16, 1088 Budapest, Hungary,  
phone: 36/1/1382 220, fax: 36/1/1382/673  
Ekaterina Genieva, All-Russia State Library for Foreign Literature, Nikolojamskaja Street  
1, 109 189 Moscow, Russia, phone: 7/095/915 3621, fax: 7/095/915 3637,  
E-mail: Genieva@libfl.msk.su  
Wojciech Kowalski, University of Silesia, Department of Intellectual and Cultural Property  
Law, ul. Bankowa 8, 40 007 Katowice, Poland, phone/fax: 48/32/517104,  
phone: 48/32/588211, fax: 48/32/599188  
Josefine Leistra. Inspectorate of Cultural Heritage, Prinsessegracht 31,  
2514 AP The Hague, The Netherlands, phone: 31/70/302 8120, fax: 31/70/365 1914  
Doris Lemmermeier: see editorial address  
Jacques Lust, Ministry of Economic Affairs, Directorate Economic Relations,  
Rue Gen. Leman 60, 1040 Brussels, Belgium, phone: 32/2/206 5862,  
fax: 32/2/514 0389

**If you have proposals or questions concerning special sections of the newsletter, please contact the following members of the board:**

Special Reports:	Josefine Leistra
Legal Issues:	Wojciech Kowalski
Country Reports:	Doris Lemmermeier, Jacques Lust
Archival Reports:	Ekaterina Genieva
Restitutions:	István Fodor
Latest News:	Doris Lemmermeier
Bibliography:	Josefine Leistra, Ekaterina Genieva

## Contents:

<b>Editorial</b> .....	5
------------------------	---

## Special Reports

### *Legal Issues*

Recovering Wartime Losses and Other Stolen Art and Cultural Property Found in the United States - by Thomas R. Kline .....	6
Introduction to International Law of Restitution of Works of Art Looted During Armed Conflicts. Part II - by Wojciech Kowalski .....	10

### *Library Losses*

A New Proposal for Negotiations by the German-Russian Expert Group Concerning the Repatriation of the Spoils of War - by Klaus-Dieter Lehmann .....	12
Report on the Library of Nizhny Novgorod - by Ekaterina Genieva .....	13
Ossolineum. The Case of the Dispersed Library - by Maciej Matwijow .....	14
Pilot Projects of Libraries in Russia - by Ekaterina Genieva.....	15
The Trophy Commission of the Red Army (Book Review) - by Klaus Garber .....	17

### *Freemasonry Losses*

The Material Losses of the German Freemasons - by Ulrich Wolfgang .....	18
Masonic Losses During the Second World War in Belgium - by Charles Tomas .....	21

---

The Mauerbach-Case	
Part I - by Josefina Leistra .....	22
Part II: An Equivocal Sale - by Hector Feliciano .....	24
"The Spoils of War": Proceedings of the 1995 New York Symposium - by Elizabeth Simpson.....	27
By Diplomatic Pouch: Art Smuggling by the Nazis - by Gerard Aalders .....	29
Symposium in Brussels - by Thierry Charlier and Jacques Lust.....	33
International Symposium in Kiev - by Jacques Lust.....	34

## Country Reports

Austria - by Gerhard Sailer .....	35
Belgium - by Jacques Lust.....	38
Belorussia - by Vasilii M. Tchernik.....	38
France - by Robert Fohr .....	39
Germany - by Doris Lemmermeier .....	42

Hungary - by István Fodor .....	43
Luxemburg - by Paul Dostert .....	43
Poland - by Monika Kuhnke .....	44
The Netherlands - by Josefine Leistra .....	46

## Archival Reports

Plundering of Jewish Assets During the Second World War - by Gerard Aalders.....	47
"Kommando Paulsen". October - December 1939 - by Andrzej Mezynski .....	49
Russian Archival Material in Munich - by Andreas Grenzer .....	51
International Archives for the Women's Movement (IAV) - by Annette Mevis.....	52

## Restitutions

A Splendid Gesture. Chronology of a Restitution Part I - by Ingo Kolasa .....	53
Part II - by Juri Mosidse .....	57
Archives Concerning the Belgian Military Justice Restituted by the "Bundesarchiv" to Belgium - by Richard Boijen .....	58
The Return of Ivory Sculptures to Germany - by Christiane Kienle.....	59
Restitution of Books of Dutch, Belgian and French Origin: Symbol of a Symbol - by Fritz Hoogewoud .....	61
Restitution of the "Targa Ovata" - by Mario Bondioli-Osio .....	62
Return of Three Albums from the Ukraine to the Department of Prints and Drawings Dresden - by Wolfgang Holler.....	63

## Bibliography

Books and Articles on General Aspects .....	64
Books and Articles on Specific Countries.....	65

## Latest News

'Trophy Art' Exhibition in the Hermitage .....	68
France: The MNR-Works of Art on Internet.....	69
Family Archives from Liechtenstein.....	69
Parts of the Treasre of the House of Wettin Found.....	69
Italy Wants to Return an Antique Stele to Ethiopia .....	69
Conferences in Kiev and Minsk Postponed.....	70
Criminal Charges Concerning Quedlinburg Treasures Dismissed .....	70

# Spoils of War

International Newsletter, No. 3, December 1996

## Editorial

### Announcement

As stated in the editorial of the last issue of the newsletter and as a consequence of the goal to strive for a more balanced exchange of information between Eastern, Middle, and Western European officials and specialists, we are more than pleased to announce that two internationally renowned colleagues have strengthened the editorial board of "Spoils of War". They joined the board during the editorial meeting in Bremen, September 23th and 24th, 1996. We are happy to welcome Ekaterina Genieva, director of the Library of Foreign Literature in Moscow (Russian Federation), and Wojciech Kowalski, professor at the the Department of Intellectual and Cultural Property Law at the University of Silesia, Katowice (Poland), in our midst. Their experience and dedication to the subject will definitely enrich the future of the international newsletter.

FODOR, István, LEISTRA, Josefine,  
LEMMERMEIER, Doris, LUST, Jacques

In the last editorial we drew your attention to the Russian law-proposal "about the right of ownership of cultural treasures, which in consequence of the Second World War II were brought into the sovereign territory of the Russian Federation". We promised an extensive coverage of these legal questions. In the meantime the law proposal which was accepted by the Duma on July, 5th, was rejected by the Federation Council two weeks later. We will inform you as soon as there are new developments in this respect.

The enlarged editorial board agreed to establish a closer contact between specialists of Western, Middle, and Eastern European countries. We agreed that a larger participation of Eastern European experts and officials was badly needed. The contents of "Spoils of War" no. 3 proves that these aims and its future potential can be achieved.

Internationally the distribution of the newsletter is still growing, and more and more demands reach us. Autumn 1996 saw much covered international conferences or events: the auction of the Mauerbach collection in Vienna, the conference in Paris on the MNR works of art and the conference in Kiev on "Law Aspects of Restitution of Cultural Values: Theory and Practice". All these events are commented in this issue of the "Spoils of War".

New technical innovations led to new opportunities and possibilities: photographs will illustrate some articles and thanks to the courtesy of the company Trias (Halberstadt) "Spoils of War" no. 2 and no. 3 can be consulted from January, 1st, 1997 on the internet, site: <http://www.dhh-3.de/looted/>. The published version will remain in circulation, because not all of our correspondents and readers have e-mail addresses. You will have noticed some minor changes in this edition: the colour of the cover and the thickness of the paper have changed.

The editorial board wishes all its readers a fruitful and successful 1997 both in their professional and private life. We want to stress again that the international newsletter only exists through your personal participation and cooperation. Please send us your comments, remarks and especially your contributions.

Yours sincerely,

FODOR, István, Budapest  
GENIEVA, Ekaterina, Moscow  
KOWALSKI, Wojciech, Katowice  
LEISTRA, Josefine, The Hague  
LEMMERMEIER, Doris, Bremen  
LUST, Jacques, Brussels

## Special Reports

### *Legal Issues*

#### Recovering Wartime Losses and Other Stolen Art and Cultural Property Found in the United States

This article is intended to give practical advice to theft victims on the best approach to recovering stolen art and cultural property found in the US. The article briefly summarizes the criminal and civil remedies available in the US. As this article explains, although making a criminal complaint is an option, civil suits remain the primary method to recover stolen art found in the US.

#### **Criminal Proceedings**

A theft victim who has located his stolen art in the US should immediately contact US law enforcement agencies to inquire whether the agencies can and will seize the art from the current possessor. Not long ago - as recently as the appearance of the Kanakariy mosaics in the US in 1988<sup>1</sup> - US law enforcement agencies were extremely reluctant to become involved in stolen art cases due to the complexity of art transactions and the length of time the stolen art may have been missing. Public officials expressed the fear that lawsuits would arise if their intervention in a property matter caused a sale to be lost. In addition, law enforcement agencies in the US, which must cope with drugs, weapons and all other criminal manifestations, did not

consider art theft to be a major societal problem and have not devoted significant resources to dealing with art theft.

As stolen art cases have attracted more national and international attention, however, law enforcement agencies have taken an increased interest. Many US officials now view art theft and marketing of stolen art to be serious law enforcement concerns, although not on a scale with drug dealing, weapon offences and many other crimes.

### **Federal Bureau of Investigations**

A theft victim who locates stolen property in the US should first contact the Federal Bureau of Investigation. The FBI is the national police of general jurisdiction. As such, it has seizure authority under the National Stolen Property Act (NSPA),<sup>2</sup> which makes it illegal for a person to transport or receive stolen property which has crossed a state or US boundary.<sup>3</sup> If the seizure leads to a criminal prosecution, however, return of the stolen property may be delayed. On the other hand, a successful criminal prosecution might obviate the need for protracted civil litigation as a court determination that the property was stolen in the criminal context might be binding against the convicted criminal in any later civil case.

In any event, seizure of stolen art under the NSPA does not ensure the return of the property. First, it is frequently difficult for the US government to obtain a conviction under this law because the prosecution must prove that the defendant knew that the property was stolen. Second, if the FBI receives conflicting claims of ownership to seized property, it will not normally turn disputed property over to one of the claimants in the absence of full litigation of the ownership issue. This is so because only US courts, not prosecutors, have the ability to resolve a genuine dispute over ownership of property. Therefore, the US government will file an interpleader action and turn over the property to a US court to decide ownership. The US government took this approach in the recent case involving three drawings from the "Bremen Kunsthalle" which the FBI had seized in New York. After the United States Attorney determined that she would not prosecute, the government filed a civil suit to resolve the conflicting claims to ownership of the current possessor and the "Kunsthalle".<sup>4</sup>

### **US Customs**

A theft victim may also contact US Customs to request seizure of stolen property. US Customs may seize goods that are imported in violation of US Customs law<sup>5</sup> or the Cultural Property Implementation Act (CPIA),<sup>6</sup> by which the US Congress gave limited acceptance to the UNESCO Convention in 1983. One possessing property in violation of the CPIA could be ordered to return that property even if the possessor were a good faith purchaser.

Customs also has very broad civil authority to seize and forfeit property which is "stolen, smuggled or clandestinely imported or introduced"<sup>7</sup> into the US. It may use this power to seize art which is fraudulently imported by, for example, false documentation or description.<sup>8</sup> Nevertheless, like the FBI, Customs does not resolve

conflicts of ownership between private parties, but typically refers the matter to a US court. Interested parties may then appear in court to put forth their claims to the art.<sup>9</sup>

### **Local Law Enforcement Agencies**

While local law enforcement agencies have played lesser roles in the recovery of stolen art, theft victims should contact them as well. Some local law enforcement authorities, particularly in New York and Los Angeles (the largest US art markets), have experience and are active in the investigation of art theft. These agencies have been responsible for some significant recoveries.

### **Civil Proceedings**

As explained above, even if law enforcement agencies seize stolen art, an agency will typically ask a court to decide disputed questions of ownership. Therefore, the primary method for recovering stolen art in the US is through a civil proceeding.<sup>10</sup>

US courts have generally proven sympathetic to the plight of theft victims in recovering stolen art found in the United States. These courts recognize the fundamental rule of US law that a thief cannot pass title even to a good faith purchaser. A theft victim who can prove he originally held title to the work or was in quiet possession of it and that he lost the object through theft or without his authorization has a good chance of recovering the art. It is imperative, however, that a theft victim contact US counsel to ensure that proper legal procedures are followed.

A theft victim who learns the identity of the possessor of his stolen art must promptly make a formal demand for return of the stolen property from the current possessor. Unreasonable delay in making the claim can jeopardize the claim. Making demand is a critical step because the current possessor's refusal may be a substantive requirement of a lawsuit to recover the object.<sup>11</sup> In addition, if a demand is refused, the theft victim must then decide whether to attempt to negotiate a settlement to avoid the expense of litigation or to file a claim in court.<sup>12</sup>

Once a demand is made, there are several important procedures a theft victim should follow to make certain that the recovery of the art progresses smoothly. Whether a theft victim chooses to negotiate or file a case, he should always either propose an agreement with the possessor not to sell or remove the art while the lawsuit or negotiations are pending, or ask the court for a temporary restraining order to safeguard the art while litigation is pending. If negotiations begin, a theft victim should also propose an agreement to toll or suspend the statute of limitations during the negotiation period. With this precaution, the theft victim will have time remaining within the statutory period to file suit if the negotiations fail. If the theft victim chooses to proceed with the civil suit, he should begin to prepare for trial by gathering important documents and pictures to prove title to the art and by identifying witnesses, if any can be found, with knowledge of the objects and their history.

Any legal proceeding brought by the theft victim must be initiated within the applicable statute of limitations period. In the US, lawsuits must typically be filed within a defined time period. This period is generally fairly short, such as within two to six



years after the occurrence of the injury that is to be redressed. Legislatures and courts have set these time frames based on the notion that it is not fair to allow a claimant to pursue a claim after too much time has passed because evidence will have been lost and memories will have faded. The majority of US courts, however, apply the "discovery rule" to determine when the limitations period begins to "run". In the case of stolen art, the discovery rule holds that the statute of limitations period does not commence until the theft victim discovers, or acting with reasonable diligence should have discovered, the location of the stolen property. This rule effectively imposes on theft victims a duty to conduct a reasonably diligent search for the property after its theft.

The largest US art market, New York, applies a different analysis, known as the "demand and refusal" rule. That rule holds that the statute of limitations period does not begin to run until the theft victim demands that the current possessor returns the property and the possessor refuses.<sup>13</sup> Even then, however, a theft victim who knows the identity of the possessor of its property cannot unreasonably delay making his demand for the return of the property.<sup>14</sup> Furthermore, even if the statute of limitations is satisfied, the equitable doctrine of laches bars claims where the claimant has failed to act diligently or has unreasonably delayed in searching for stolen property and where there has been prejudice to the current possessor as a result of the theft victim's delay.<sup>15</sup>

### Conclusion

A theft victim who has located his stolen art in the US may, under the proper circumstances, institute criminal or civil proceedings to recover the art. In either case, a theft victim should engage US counsel to ensure that proper procedure is followed. An experienced counsel will be able to contact the appropriate government authorities and may be able to negotiate successfully the return of the art from its current possessor without the expense or delay of litigation. Even if negotiations fail, qualified counsel can take steps to enhance the chances of recovering the art through litigation.

Thomas R. Kline, Lawyer,  
Andrews & Kurth L.L.P., Washington D.C.

### Notes

<sup>1</sup> In *Autocephalous Greek Orthodox Church of Cyprus v. Goldberg*, 717 F. Supp. 1374 (S. D. Ind. 1989), *aff'd*, 917 F. 2d 278 (7th Cir. 1990), the Republic of Cyprus and the Greek Orthodox Church of Cyprus recovered mosaics which had been stolen from a church in Cyprus and sold several years later to an Indianapolis art dealer.

<sup>2</sup> 18 U.S.C. §§2314-2315. See, e. g., *Erisoty v. Rizik*, No. CIV.A 93-6215, 1995 WL 91406, at \*7 (E. D. Pa. Feb. 23, 1995).

<sup>3</sup> Jack Meador and Jane Meador Cook, and their former lawyer, John Torigian, all of Texas were indicted on charges brought by the US government under the NSPA growing out of their alleged interstate and international transportation of two manuscripts from Quedlinburg, Germany. William H. Honan, *Abrupt End to a Case of Looted Treasures*. *New York Times*, Oct. 24, 1996, at C13. These charges were just dismissed by the court, which concluded that prosecutors, who had received an order tolling the statute of limitations to give them time to investigate in Germany, had

not obtained the indictment promptly enough after the German government completed its role in providing assistance. *Id.*

<sup>4</sup> Only on very rare occasions does a US government agency turn disputed property over to one claimant in favour of another. See, e. g. *Erisoty v. Rizik*, No. CIV.A 93-6215, 1995 WL 91406, at \*7 (E. D. Pa. Feb. 23, 1995) (FBI returned stolen art to original theft victim, forcing purchaser to bring suit).

<sup>5</sup> See, e. g., 18 US C. 541-542, 545 (1994) (Whoever smuggles or knowingly enters into the US goods falsely classified will be fined and/or imprisoned).

<sup>6</sup> 19. U.S.C. §2606 (1996).

<sup>7</sup> 19. U.S.C. §1595(a)(c) (1996).

<sup>8</sup> 19. U.S.C. §1592(c)(6) (1996) (Customs may seize goods which are imported by fraud, gross negligence or negligence).

<sup>9</sup> See *United States v. One 18th Century Colombian Monstrance*, 797 F.2d 1370, 1374-1377 (5th Cir. 1986), cert. denied, 481 US 1014 (1987) (Broker in possession of art at time of forfeiture did not have equitable title to work to give him standing to contest forfeiture).

<sup>10</sup> Because of the layers of approval needed, and the lower priority art theft matters receive, US government agencies may also not be able to act with sufficient speed if there is an immediate risk that the artwork may be spirited out of the United States.

<sup>11</sup> See *Solomon R. Guggenheim Found. v. Lubell*, 567 N.Y. S.2d 623, 626 (Ct. App. 1991).

<sup>12</sup> Within the context of settlement negotiation, a theft victim may mention that he has the option of instituting legal proceedings to recover the art. However, a theft victim should be careful not to threaten the possessor with taking legal action or the possessor could accuse the theft victim of the crimes of duress or extortion.

<sup>13</sup> See *id.* at 626.

<sup>14</sup> *Id.* at 627.

<sup>15</sup> *Hoelzer v. City of Stamford*, 933 F.2d 1131, 1137 (2d Cir. 1991).

## Introduction to International Law of Restitution of Works of Art Looted During Armed Conflicts. Part II

This is the second part of a series of articles on the history of the international law on restitution by the same author.

Numerous peace treaties of the 17th century contain restitutional clauses, mainly related to lands or towns, but also "cultural property" is mentioned from time to time. As a good example, the treaty of Westfalia, Münster 1648, between the Holy Roman Emperor and the King of France and their respective Allies can be given. Article CXII of that treaty deals with: "Places, Citys, Towns, Boroughs, Villages, Castles ... which have been possess'd and retain'd, as well in the kingdom of Bohemia, and other countys ... by one or the other Army" and now "shall be restor'd without delay to their former and lawful Possessors and Lords". One of the following clauses stipulated however: "... that the Records, Writings and Documents and other Moveables, be also restor'd" (article CXIV). Another example of the practice of that time is the Oliva Peace Treaty of 1660, which referred to the restitution of the Royal Library. According to article IX of that document Sweden was obliged to give back "omnia archiva, acta publica, Castrensia, Iuridica, Ecclesiastica, necnon Bibliotheca Regia" removed from Poland and Lithuania.

In the treaties of that time we can also find special clauses establishing joint bodies to supervise the process of stipulated restitution and adjudicate in the case of dis-

pute. This kind of procedure was provided by the Treaty of Pyrenees signed in 1659 by the King of France and the King of Spain. Rather complicated in wording but definitely clear is article CXII of this peace treaty: "As it might well happen that the particular Persons interested on both sides in the restitution of the Goods, into the Propriety and enjoyment whereof they ought to re-enter by virtue of the present Treaty, shou'd find under divers Pretences, Diffycultys and Resistance in their Re-establishment by such as are now in possession of the said Goods, or that any other obstructions should arise in the full execution of the Promises, it hath been concluded and agreed, that the said Lords and Kings shall appoint each of them one of their Ministers to repair to the Court of the other Places if need be, to the end that hearing jointly, at the place where the said Ministers shall meet, such Persons as shall apply themselves to them about these Affairs, and taking cognisance of the Contents of the Articles of the Treaty, and of what the said Partys shall offer unto them, they might declare together unanionously, briefly and summarily, without any other formality of Justice, what ought to be executed, issuing thereupon the necessary Act and Instrument of their Declaration, which Act shall be perform'd without admitting or leaving any room to any Contradiction or Reply".

Following the changing practice it was necessary to think more about the theoretical grounds for restitution. John Locke when discussing the legal position of a conqueror says: "...so that he by Conquest has a right over a Man's Person to destroy him if he pleases, has not thereby a right over his Estate to possess and enjoy it. For it is the brutal force the Agressor has used, that gives his Adversary a right to take away his Life, and destroy him if he pleases, as a noxious Creature; but this damage sustain'd that alone gives him Title to another Mens Goods: For though I may kill a Thief that sets on me in the Highway, yet I may not (which seems less) take away his money and let him go; this would be Robbery on my side. His force, and the state of War he put himself in, made him forfeit his Life, but gave me no Title to his Goods. The right then of Conquest extends only to the Lives of those who joyn'd in the War, but not to their Estates...".

Jean Jacques Rousseau discusses the war issue more generally. For him: "La guerre n'est (donc) point une relation d'homme à homme, mais une relation d'Etat, dans laquelle les particuliers ne sont ennemis qu'accidentellement, non point comme hommes ni même comme citoyens, mais comme soldats; non point comme membres de la patrie, mais comme ses défenseurs. Enfin chaque Etat et non pas des hommes, attendu qu'entre choses de diverses natures on ne peut fixer aucun vrai rapport" ("Warfare is not one man against another, but one nation against another, in which individuals become enemies only by accident - neither as men nor as citizens, but solely as soldiers, not as members of the fatherland, but as its defenders. In the end every nation and not its citizens, understanding that it is impossible to establish a true relationship among things of different natures"). As a logic consequence of this approach citizen's property should be excluded from war and given proper protection.

Another thinker of the epoch, Emer de Vattel, recognized as one of the classic authors in international public law, accounts for this rule in the following way:

"Nowadays, usefulness of literature and fine arts and the necessity of supporting them are generally acknowledged. Immortal Peter I. thought he would not be able to civilize Russia and make it prosper without them... For whatever reason a belligerent plunders the country, he should spare buildings that are the pride of mankind and do not strengthen the enemy. Temples, tombstones, public buildings, and all other works of art distinguished for their beauty. What can be the advantage of destroying them? Only an enemy of mankind can thoughtlessly deprive humanity of those monuments of art, the exemplars of artistry".

The above mentioned comprehensive review of this opinion shows that in different countries philosophers found proper, quite different arguments when analyzing the question of war looting and intentional destruction. The only logic conclusion they have drawn is that private property including in particular objects of cultural character, should be spared and protected.

Wojciech Kowalski, Department of Intellectual and  
Cultural Property Law, Faculty of Law and Administration,  
University of Silesia, Katowice

### ***Library Losses***

#### **A New Proposal for Negotiations by the German-Russian Expert Group Concerning the Repatriation of the Spoils of War**

The German-Russian Committee of Experts of Libraries concerned with the repatriation of cultural goods was established in 1993. Jointly with the Committee on Archives and the Committee on Museums it constitutes the level of professional experts that makes up the Government Commission on Restitution. The juridical preconditions had been created by the German-Soviet Friendship Treaty of 1990 and the German-Russian Cultural Agreement of 1992.

Since its foundation the Group of Experts on Libraries has convened four times alternately in Russia and in Germany. Up to now the negotiations have not yet led to any real success. This state of affairs is not so much due to the views and attitudes of the German and Russian experts, but derives from expediencies of Russian domestic politics. The Expert Group of Libraries therefore has made an advance on the occasion of the meeting in June 96 in Moscow and proposed a gradual procedure for the repatriation of the library collections. This proposal was put forward in form of a memorandum, was unanimously passed by the German as well as the Russian experts, and was addressed to the respective governments.

The starting point of the memorandum is the particular cultural importance of library collections. From this derives a concrete procedure for the restitution. Books are characterized by their reproduction. Very rarely are they unique specimen. Historical books have a material value that very seldom corresponds to the value of the item in the museum. The value of a book lies not so much in the single copy but in

the collection, in the assembling that took place over centuries, which presents an essential part of our cultural and intellectual heritage. It is the living memory of a region, of a people, of a nation. Leaving apart valuable unique books or books with mere utility character, library collections only derive their significance from their cultural and regional context. They become subject of research themselves, they turn into sources for regional historical research. Therefore it is not surprising at all, that German library collections are not utilized in Russian libraries, often they were neither indexed nor made accessible for academic research. The group of experts could point out various such libraries. The experts are convinced that the repatriation of such collections would not be prejudicial to the sciences in Russia, but useful for research in Germany.

Having mutual interest the expert committee proposes therefore that the right to decide upon preparations for the repatriation of such book collections was reserved to the professional level. On the other hand unique documents like manuscripts, incunabula, archival and other materials which could be compared to museum and archive objects should be excluded for the time being from the negotiations on the level of professional experts. They should be negotiated on the level of governments.

The expert group on libraries expects from such a procedure that the scientific and cultural interests would be taken into consideration rather than the spectacular aspects of political tactics. The benefit for the sciences would be enormous, the strengthening of professional relations would be encouraged, and at the same time the Russian libraries would be relieved from masses of books that frequently stand in their collections without any real relevance to them.

In the meantime, the memorandum has been accepted by the Grand Government Commission of the Russian Federation. The German Ministry of the Interior as well as the Ministry of Foreign Relations have agreed to this line of negotiations. The negotiations on the professional level will continue in January 1997. We can only have a policy of 'wait and see' if the signal switches to green at political level.

That such a procedure can be feasible and sensible was demonstrated by the repatriation of 100,000 books from Georgia to Germany in August 1996, which already came to a successful conclusion in August 1996.

Klaus-Dieter Lehmann, Director-General of  
The German Library, Frankfurt a.M./Leipzig

## Report on the Library of Nizhny Novgorod

At the moment the All-Russia State Library of Foreign Literature ("Vserossiiskaya gosudarstvennaya biblioteka inostranoi literatury", VGBIL) is developing a project to be called Restitution. The idea was sparked by the discovery of captured books in the State Regional General Research Library of Nizhny Novgorod bearing the stamps of a Reformed Church College in Sárospatak (1,418 items) and other private Hungarian owners.

If the project receives financial support from the Open Society Institute the staff of the Rare Book Research Department of VGBIL will compile scientific entries for the items kept in Nizhny Novgorod, to appear as an electronic catalogue within the internet and also in a print format. Besides, in order to stimulate efforts to identify the owners of captured publications and to catalogue 'displaced' books, during the second phase of the project VGBIL has plans to conduct a few workshops with Russian librarians who will learn about the treatment of captured collections at VGBIL and will be trained in the handling of rare editions having proprietary characteristics.

Ekaterina Genieva, Director-General of the All-Russia  
State Library of Foreign Literature, Moscow

### Ossolineum. The Case of the Dispersed Library

During the Second World War, Poland suffered losses not only as a result of hostilities, destruction, and plunder perpetrated by the German occupiers. One of the most painful losses was the forfeiture of the bulk of cultural heritage amassed in Poland's eastern provinces which constituted one third of the pre-war Polish territory and as a result of the redrawing of borders fell to the Soviet Union. One of the most commendable centres of Polish culture was the Ossolinski National Institute (Ossolineum) in Lwów, established in 1817 and consisting of the library, the Lubomirski Museum, and the Publishing House. The financial basis for maintenance were revenue from its own landed estates and publishing activity, and it owed its dynamic development primarily to the generosity of the Polish population, not only from Galicia but also from other parts of the country. During the period of Poland's loss of independence, the Ossolineum played the role of a Polish national library, collecting all sorts of materials related to the history and culture of Poland. By 1939 the Ossolineum's library and museum collections rated among the largest and most valuable in Poland owing to its rich manuscript collections (including autographs of the greatest Polish writers and poets), Poland's biggest collection of periodicals and the collection of Polish old prints from the 15th-18th century.

Following the incorporation of Lwów into the USSR in 1939, the Ossolineum collections were taken over by the Academy of Sciences of the Ukrainian Soviet Socialist Republic which in 1944/45 created on their base a separate Polish Sector of the Lwów Library of the Academy. The final regulation of the Polish-Soviet border in 1945, the nearly total removal of the Polish population from Lwów, and the remaining Eastern provinces in 1945/46 made the problem of the Ossolineum's future extremely acute. It was unacceptable to the Poles that the institute's collections should be left outside the borders of the Polish state. The general opinion was that the fact of the border transfer was not a decisive factor and the collections should remain the property of the nation that had built up and created them, and that the deported population should be able to take with them to Poland the goods they had produced.

The Ukrainian authorities could not remain indifferent to the Polish claims of re-vindication. However, they did not decide upon an all-out restitution of the Ossolineum collections but confined themselves to a transfer of only a small part of them to Poland in 1946/47. It must be noted that the division of the Ossolineum collections made then by the Ukraine affected only the manuscripts, old prints, and 19th and 20th century books and excluded, among others, the cartographic, graphic and museum collections which were in their entirety retained in Lwów. The arbitrariness of the classification process, the haste with which those activities were performed, political considerations and strict quantitative limitations resulted not only in the detention in Lwów of a large quantity of collections relating to the history and culture of Poland but also in the fact that integral collections and bequests designated for a transfer to Poland were handed over in an incomplete form without bothering about their integrity and segmented in an arbitrary manner. Among the collections retained in Lwów were, among others, Polish books and periodicals published in Lwów and Wilno, complete sets of Polish newspapers from the years 1918-1939 as well as manuscripts in which only the tiniest reference to the Ukraine was found.

As a result of a division carried out in that manner Poland received only about 30% of the Ossolineum collections. However, in 1946, their handing over made it possible to reactivate the Ossolinski National Institute in Wroclaw as the continuation of and heir to the tradition of the Lwów institution. According to estimates ca 80% of the 19th and 20th century book collection, ca 67% of the newspaper and periodicals collection, ca 47% of the manuscript collection, and ca 96% of the cartographic collection remained in Lwów. While the lacunae in the 19th and 20th century book collection and the old prints collection have been filled up by now, the absence of the manuscripts, prints, museum pieces, newspapers, and periodicals as well as the Institute's archives that have remained in Lwów is most acutely felt in Wroclaw. The efforts made after 1946 to integrate the entire Ossolineum collection - considered a cultural heritage of the Polish nation - have not been successful.

Maciej Matwijow, Librarian, Ossolinski Foundation, Wroclaw

## Pilot Projects of Libraries in Russia

The idea of pilot projects to provide a framework for diverse activities aimed at coping with the problem of return of books displaced after World War II was conceived in 1992, during the first Round Table on the Restitution of Library Collections which was held at the M. I. Rudomino All-Russia State Library of Foreign Literature (VGBIL).

The catalogue of "16th-century German-Language Publications in VGBIL", recently printed by Rudomino Publishers in Moscow, is but one example of VGBIL's restitution-related efforts. This is the second, revised and enlarged edition of the catalogue, besides, the preface and the introductory note on the entry structure have a parallel German text. The scientific standard of compilation of entries for 16th-century books is high indeed, and the methodology used is much like the one applied to the cataloguing of incunabula. The most important part of the entry is, no doubt, the

proprietary characteristics of every individual copy, some of them suggesting the looted origin of many items. A detailed index of owners appended to the Catalogue helps to identify many former owners of the books presently held in the Library of Foreign Literature which, thanks to the efforts of Russian bibliographers, have been brought to the attention of scholars.

The publication of the catalogue was a joint project between personalities of cultural life in Russia and Germany. The German contribution, in particular, took the shape of massive financial support of the Library by the Goethe Institute in Moscow.

The Rare Book Research Department has compiled the second volume of the catalogue of "16th Century Publications in VGBIL". The volume covers books in French, Italian, Spanish, and many other modern European languages, a total of 200 items. Unfortunately, we are currently unable to finish the project and to bring out the publication because of a shortage of funds. But we are sure the book will see the light after all because many scholars and people of cultural life seem to show an interest in it.

While the work on the second volume of the catalogue is nearly completed, at the Library of Foreign Literature another idea was born recently partly in response to a heightened interest in our catalogue of 16th century books on the part of our foreign colleagues, namely to publish "Materials for an Index of Owners of Captured Books". The latter is conceived as a publication addressed to the users of the global computer network, internet, which immediately broadens its potential target group. We can give currency to the first portion of information only three months on receipt of funds.

There will be an introduction describing the main body of the so-called 'displaced' book collections held in VGBIL in terms of their former owners; it will be followed by scanner-produced images of stamps, bookplates, *super ex libri*, etc. of 30 publications with their complete, detailed scientific descriptions. Subsequently we hope to be able to update this information on a regular basis by expanding the list of names and holding organizations. This kind of electronic publication (which can, of course, be produced in a hard copy format and circulated to those Russian libraries which have no access to the internet) will be particularly useful to many Russian librarians who will be able to identify their captured holdings.

Ekaterina Genieva, Director-General of the All-Russia  
State Library of Foreign Literature, Moscow



## The Trophy Commission of the Red Army (Book Review)

Lehmann, Klaus-Dieter; Ingo Kolasa (Hrsg.): Die Trophäenkommission der Roten Armee. Eine Dokumentensammlung zur Verschleppung von Büchern aus deutschen Bibliotheken. Frankfurt a.M. 1996 (Zeitschrift für Bibliothekswesen und Bibliographie. Sonderhefte. 64.) 251 S.

["The Trophy Commission of the Red Army. A Collection of Documents on the Translocation of Books from German Libraries".]

The content of the book only deserves to be described as sensational. For the first time, the international specialist public is being confronted with half a century of authentic reports on the translocation of German cultural goods into the Soviet Union towards the end of World War II.

On the basis of German-Russian agreements, for only a short period of time, the commendable editor, Ingo Kolasa from the German Library in Frankfurt a.M., had the opportunity to search for and transcribe the original files in archives in Moscow. Now he presents his work translated into German. Through this, the time of silence and secrecy finally finds an end also for the German-speaking region. For the first time, the extent of the plundering of German cultural treasures becomes discernible and can partly be specified in number. A great void has been left in the German cultural heritage since the lion's share of the treasures taken were complete collections or selected pieces of highest value. The documents reveal only in fragments the whereabouts of the spoils in the Soviet Union. Therefore the German side is in charge of a systematical search.

It can be assumed principally that not one of the library stocks from Germany has been put up entirely at one spot. Haphazardly the top objects - often not recognized as such - and less valuable literature were spread over the republic, as it also becomes clear through the inspection of the recently returned books from Georgia. The same applies to the great libraries in Moscow and St. Petersburg where the books were treated according to no comprehensible system; some were integrated into the existing stock, others were kept in special stockrooms.

An investigation on a large scale awaits the librarianship. The international research needs to give all its support, first, in order to make the research possible on the political and especially on the Russian administrative levels and second, the federal states of the libraries affected need to supply all means necessary to enable the specialists on the spot to sound out the field of work. Although Kolasa's compilation is all but a complete overview, German libraries are for the first time supplied with qualified material to support the search for the losses. By all means, the research shall not be restricted by any political obstacles on the Russian side or any financial reservations on the German side; since this essential scientific cultural work needs to be guaranteed.

A separate problem is the recovery of the pieces, which is closely connected with the previous and possibly complete identification of the German cultural treasures. The institutions and private owners mentioned in Kolasa's book are both asked to articulate and, as far as possible, pursue their claims documented for the first time.

There cannot be any dissent that a constructive cooperation of the people and governments is closely linked to the conjoint and quick solution of those problems concerning the restitution of cultural treasures. It should be possible to find ways and means to return the manuscripts and books to the rightful owners and at the same time to accommodate the institution e.g. with technical equipment or modern literature. This way both sides would profit. Books are no means to compensate injustice and crime but can function as a store for tradition and memory, as constituents for a better future, enlightened by history. In this sense, Georgia has just done a step of far-reaching importance, a gesture adequate for an emerging new Europe.

Klaus Garber, Professor, University of Osnabrück

### *Freemasonry Losses*

## The Material Losses of the German Freemasons

In Germany freemasons exist since the 30's of the 18th century. During the first decade after the foundation of the first masonic lodge in Hamburg the aristocracy as well as the intellectual and military elite formed the German masonry. This was due to the fact that Friederich II., later King of Prussia, joined the masonic alliance as early as 1738. Influential people in society very quickly found their way into one of the lodges emerging all over the country. Quite soon a specific masonic culture developed which found expression in a number of manuscripts, hand-written rituals, documents, periodicals and books. Also masonic objects such as watches, tobacco tins, porcelain figures, valuable drinking glasses, silver candelabra, tapestries, aprons, jewellery became an integral part of the life of the lodges. During the 19th century the bourgeoisie also joined the lodges and increasingly influenced their cultural tradition. The members had the means necessary to establish their own culture and to build lodges where everything was kept that had been collected over the years.

By the early 30's of this century there existed 10 grand lodges consisting of 690 lodges and about 70,000 masons. The National Socialists first banned political parties and unions as well as a number of other institutions, and, in 1935, they also banned the masonry. The lodge buildings were expropriated and used for different purposes. The lodge archives were confiscated, the libraries were taken to Berlin where they were kept in the "Reichssicherheitshauptamt" (Main Security Office of the Reich) and used for various purposes.

Due to increasing bombardments, a great part of the lodge archives and libraries were evacuated to Silesia and stored in various castles. Among others, a large part of the papers used by the "Reichssicherheitshauptamt" for the investigation of the freemasons remained in Berlin. Evacuated objects as well as part of the stock taken by the Gestapo and stored in the basements of the former lodges at Emserstraße 12-13 were confiscated by the Soviet troops and taken to Moscow.

In the article "Die Keller des Gestapo-Gebäudes Berlin Emserstraße 12-13" (The Cellars of the Gestapo Building Berlin Emserstraße 12-13) a NKWD-report is mentioned which must have been written by officers of the Soviet Secret Service some time after the war. There it says: "In the cellars of the destroyed Gestapo building, Berlin, Emserstraße 12-13, books, periodicals and newspapers have been discovered which had been confiscated by the Gestapo. Most books carried stamps of different masonic lodges of Germany, whose activities were forbidden by the fascists".<sup>1</sup>

Before the war, the freemasons in Germany were, in number of lodges and members, the second most important in the world. Many persons of the public were members of the German masonic lodges, and today some of the oldest freemason lodges in the former zone of the Allies are taking up their activities. This leads to the conclusion that the freemason literature discovered, including books from the 18th century until the 30's of this century, is a valuable source for special studies. Besides the freemason literature other material was kept in the cellars mentioned. After listing five positions of non-freemasonic stock, the report quoted closes with the note that "47 boxes were taken from here".

The archival material was collected, and later inspected and put in order at the Central State Archive (Special Archive) in Moscow, while the library and museum objects were distributed to different institutions. In the 50's a great number of looted cultural properties were restituted to the former GDR. Among this restituted material also was a large part of the freemason material which had been transported to Moscow. All in all about 1,400 meters of files were returned.

Around 1975 the inspection of the completely disordered freemason stock, composed of thousands of documents, files, protocols, rituals, membership lists and other materials began. The result of this work, from 1975 until 1993, is - inter alia - an index which allows systematic access to the material. Also an inventory list of all those freemasonic objects integrated into the "Geheimes Staatsarchiv, Preußischer Kulturbesitz" (Secret State Archive, Prussian Cultural Property). We owe this extensive work to the scientific archivists Renate Endler and Elisabeth Schwarze-Neuß and to the general archivist Bettina Ehrentraut, who were in charge of the freemasonic material at the "Preußisches Staatsarchiv Merseburg" (Prussian State Archives Merseburg). This is the first self-contained central archive in the 250 years of history of German freemasons which is now kept in Berlin-Dahlem and, as it is, shall remain there for the future.

Since 1989 it is possible to search for and look at freemason documents in the Special Archive in Moscow. Different publications with extraordinarily detailed lists give proof of the existence of freemason documents in Moscow.<sup>2</sup> The article by von Jena and Lenz state that 14,550 index units of freemason files and single documents are still situated in Moscow. Also among those is volume X of the so-called "Schwedenkiste" (Swedish Box), which played an important role in the history of the freemasons. This is mainly a collection of files, letters and documents of the Order of the Illuminati, founded by Adam Weishaupt during the second half of the 18th century, which systematically infiltrated the lodges of those days. For this reason and because quite a number of distinguished freemasons were - at least for some

time - members of this order, the Illuminati have become an essential part of the history of the freemasons.

Wilson<sup>3</sup> mentions the following details about the mysterious "Schwedenkiste": "The history of the 'Schwedenkiste' is quite an adventurous one for archival material. The leading Illuminate Bode of Weimar died in December 1793. His estate included the most important part of the correspondence of the Order of the Illuminati of Gotha and Weimar. These papers became the property of the other leading Illuminate Herzog Ernst v. Gotha, where they were kept safely. After his death in 1804 his own estate together with Bode's documents was handed over to the archive of the Grand National Lodge of Sweden, because Herzog Ernst was convinced that his heritage was not safe from publication in any of the German lodges. Under the supervision of the Swedish king Karl XIII. though, it was guaranteed that no information would ever reach the public. Some years later, in 1880, Herzog Ernst II. of Saxony Coburg Gotha (great-grandchild of the Illuminate Herzog of Saxony Coburg Gotha and Altenburg) asked for the documents to be returned, and three years later, in 1883, the stock became property of the lodge "Ernst zum Kompaß" in Gotha. Following the order of the Herzog, the material was put in order in 20 volumes. Later, in 1909, Reverend Carl Lepp added quite useful registers and lists of documents; the material was then named "Schwedenkiste". Also in the freemason archive in Gotha the files were strictly kept under lock and key since the Herzog ordered the lodge not to allow any publication whatsoever. This obligation was solely taken seriously in the 1920's and 1930's, the time of the idea of total conspiracy. Until before World War I, a number of researchers, mainly freemasons, were allowed to work with the content of the "Schwedenkiste". Among them were the restorer of the Order of the Illuminati, Leopold Engel, and the French author of the early, exhaustive work on the Illuminati, Rene Le Forrestier (who was not a freemason). (..) On March 20th, 1936, the documents were confiscated within the framework of the national socialist persecution of the freemasons. (...) In 1945 they were then transported to the Soviet Union".

We have to assume that in the years 1934/35 all the possessions of the freemasons were confiscated by the National Socialists. Everything, packed in boxes ended up in cellars, air-raid shelters and other store-rooms. A few items though were hidden by freemasons hoping for better times to come. Some single objects do appear here and there in antiquarian book shops and in the antique trade. Nearly all books have been found by now. Most of the still missing documents and other material are kept in Moscow, and today there is no justifiable reason to hold them back any longer.

It is difficult to investigate if at all and to which extent further possessions of the German freemasons do exist in other countries. In Poland freemason objects from Pomerania, Silesia, Brandenburg, West and East Prussia were brought together to a library near Poznan with about 80,000 German freemason books. This library exists since 1984 and keeps close contact with the Freemason Museum in Bayreuth. The keeping of these books in Poland is not considered a loss, since these editions also do exist in German freemason libraries.

A great part was destroyed during the war, and another untraceable part has fallen into private hands not only in Germany but also in other countries. Since none of the freemasons who lived during the early 30's is still alive, it is practically impossible to investigate which objects are lost or missing. The author does not rule out that sooner or later further losses will be found or that somewhere in Germany or abroad more freemason assets presumably missing will be discovered.

Ulrich Wolfgang<sup>4</sup>, Editor in chief of the freemasonic periodical ELEMUSIS, The Supreme Council 33° Ancient and Accepted Scottish Rite of Freemasonry of Germany, Stuttgart

**Notes:**

<sup>1</sup>Masonic lodges were also forbidden within the entire sphere of control of the Soviet Union.

<sup>2</sup>E.G. Götz Aly/Susanne Heim: Das zentrale Staatsarchiv in Moskau ("Sonderarchiv"), Düsseldorf 1993 and Kai v. Jena/Wilhelm Lenz in: "Der Archivar". Vol. 45. No. 3. 1992. Pp. 457-468.

<sup>3</sup>Wilson, W. Daniel: Geheimräte gegen Geheimbünde. Stuttgart 1991. P. 50.

<sup>4</sup>The author thanks archivist Renate Endler for her professional advice and friendly support.

**Literature:**

Endler, Renate; Elisabeth Schwarze: Die Freimaurerbestände im Geheimen Staatsarchiv Preussischer Kulturbesitz. Vol. I and II. Frankfurt a.M. 1994/1996. (ISBN 3-631-46831-8 und 3-631-48396-1).

Aly, Götz; Susanne Heim: Das zentrale Staatsarchiv in Moskau ("Sonderarchiv"). Rekonstruktion und Bestandsverzeichnis verschollen geglaubten Schriftguts aus der NS-Zeit. Düsseldorf 1993.

[Author unknown]: "149. Die Keller des Gestapo-Gebäudes Berlin Emserstraße 12-13". In: Hering, Jürgen (Hrsg.): "Zeitschrift für Bibliothekswesen und Bibliographie" (Periodical for Librarianship and Bibliography). Sonderheft 64. Frankfurt a.M. 1996. P. 105 (ISSN 3-465-02882-1).

Wilson, W. Daniel: Geheimräte gegen Geheimbünde. Stuttgart 1991. (ISBN 3-467-00778-2).

Lennhoff, Eugen; Oskar Posner: Internationales Freimaurerlexikon. Wien, München 1932. 2nd non-revised edition 1975.

## Masonic Losses During The Second World War in Belgium

On August 24th and 27th, 1940 a total of 82 crates of books, works of art and masonic ritualia were gathered by the German occupiers in the masonic lodges of Brussels. Not less than 97 crates were assembled in other masonic lodges of Belgium, which makes a total of at least 179 crates. Thanks to the German administrative accuracy the transports to Berlin on November 26th, 1940 and January 17th, 1941 can be traced. The masonic lodges were the first institutions to be spoiled systematically in Belgium: first by the "Sicherheitsdienst" (Security Service), closely followed by the "Einsatzstab Reichsleiter Rosenberg". The Belgian interest in masonic material was underlined by the fact that Reinhard Heydrich und Alfred Rosenberg personally visited the lodges in Brussels in July 1940. The lodges, especially of Brussels and Antwerp were used during the Second World War as depots of spoiled cultural objects or as national socialist administrative centres.

In 1946 nine crates, containing "Belgian mostly freemason materials and Jewish libraries from Antwerp and Brussels" returned from the American Collecting Point

Offenbach in Germany. On February 25th, 1949 another four were restituted to Belgium, containing among other things masonic books. At least 170 crates of the masonic cultural goods never returned to Belgium. Only during the last years concrete evidence and locations of lost freemason's material of Belgian origin turned up: in Würzburg (Germany), in the Osobyi Archives in Moscow (Russian Federation) and in the library of the University of Poznan (Poland). The discoveries in Moscow were confirmed by Belgian historians, who did active research there. 2,265 freemason dossiers of the years 1784-1940 were found. The archives contain documents of the Grand Orient of Belgium, the Higher Council of Belgian lodges and the working places "Les amis philantropes" and "Les amis du progrès", even of daughter lodges in London. Besides, regulations, circulars, protocols of the working of the lodges, also the publications and bulletins were found in Moscow. The text of speeches, publications of members of Belgian freemasonry on political and social issues and the history of freemasonry of Belgium are also kept in the same archives. Important international correspondence with lodges in Europe and America completes the discovery.

The period of the Cold War made every possibility of restitution between Western and Eastern European countries impossible. The officials, experts and researchers agree how much the attitude of the Russian authorities on this subject remains uncertain. Even the law proposal of the Duma concerning restitution of works of art and archives differentiates between 'legal' and 'illegal' spoils of war.

In Belgium the Ministry of Economic Affairs is coordinating the research about cultural losses of Belgian origin. A close cooperation and working relationship was established between the Belgian freemasonry and the Ministry of Economic Affairs. In the meantime the Belgian freemason's lodges are documenting and investigating the cultural losses they suffered and are providing evidence of ownership of these lost cultural objects.

Charles Tomas, Curator Masonic Museum Belgium, Brussels



## The Mauerbach Case

### Part I

After the war, all looted and displaced artworks found in Germany and Austria were gathered together by the Allies in several (Central) Art Collecting Points and one Archival Depot from which the restitutions took place. In September 1951, the Collecting Points were closed down and the remaining objects were handed over to the "Treuhandverwaltung für Kulturgut" (Trustee Administration for Cultural Property), that continued the restitution work until its closure in December 1962.

A few hundred works of art, mainly, but not exclusively, of previous Jewish ownership, had earlier been taken to the American zone of occupation in Austria. In 1955, when the Austrian State Treaty was signed, these objects were handed over to Austria

with the obligation to return them to their owners. All objects which were not claimed by January 1956, were to be given within 18 months to organizations set up by the Allies for assistance to victims of persecution by the Axis powers.

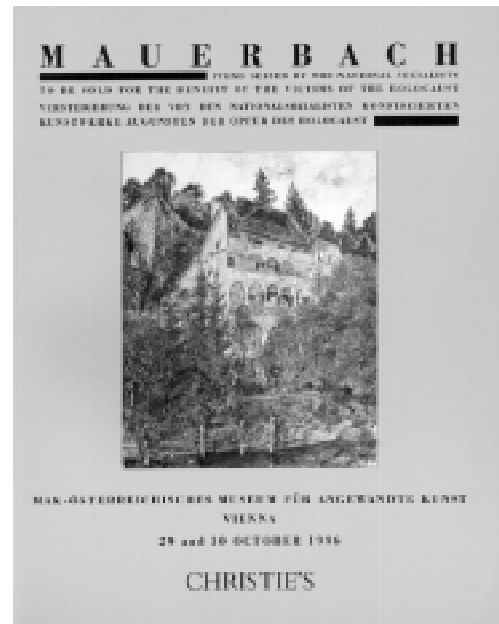
Instead, after the claims period had expired in 1957, the Austrian government installed an independent organization called the "Sammelstelle A&B" (Collecting Point A&B), which could claim property of which it was certain that it had belonged to owners who had died and left no heirs. These objects were to be sold and the proceeds had to go to successor organizations. This way eight to ten objects were sold by auction for the sum of 731,100 Austrian Schillings.

In the late 60's, partly because of pressure by Simon Wiesenthal, a law was being prepared for the restitution of the remaining objects in Austrian care. Since some of this property might have been claimed by the "Sammelstelle" itself - in case it had belonged to war victims without any heirs - the "Sammelstelle" asked for a settlement. Five million Austrian Schilling was then paid by the government and divided between survivors of the Holocaust. In 1969, the "Sammelstelle" ceased operations.

On September 2nd of the same year, the list of the remaining 8,422 objects in Austrian care, together with the text of the restitution law, "Bundesgesetz" (Federal Law) 294 of June 27th, was published in the "Amtsblatt" of the "Wiener Zeitung". The law stipulated that claims could be filed until December 31st, 1970, after that all objects became the property of the Austrian state. Later the period for claims was extended until 1972. From 1969 to that year, 71 objects were returned. The rest remained as Austrian state property deposited in the 14th-century monastery in Mauerbach near Vienna. Some 550 works of art were placed in Austrian museums and embassies. In 1984, a critical article by Andrew Decker in the widely read magazine ARTnews helped to reopen the case. A list of the 8,153 remaining objects was published together with the text of the second restitution law, the "Kunst- und Kulturgutbereinigungsgesetz" (Art and Cultural Property Clearing Law) of December 13th, 1985 which allowed claims to be filed until September 30th, 1986. After it expired, all unclaimed objects and those unsuccessfully claimed would be auctioned.

By January 1995, a total of 3,282 claims had been reviewed and 350 objects had been returned. In October of the same year, the Austrian government transferred title of ownership of the unclaimed or unsuccessfully claimed objects to the "Bundesverband der Israelitischen Kultusgemeinden Österreichs" (Federation of Israelic Communities of Austria). The Jewish community has sold them in an auction organized by Christie's, which took place on October 29th and 30th, 1996 in the Viennese Museum of Applied Arts. The English title of the catalogue is "Mauerbach. Items Seized by the National Socialists to be Sold for the Benefit of the Victims of the Holocaust".

Listed and illustrated are a thousand lot numbers of - mainly 19th-century - paintings, sculptures, books, coins and other works of art. Although in his foreword the Austrian president Thomas Klestil describes the objects as being seized from Austrian Jews, they may well have other provenances too, since the Mauerbach objects originally came from Allied Collecting Points in Germany as well. The sale brought a total of 155,166,810 Austrian Schillings. The net proceeds of the auction will go to people in need or to the descendants of those who were persecuted by the national socialist regime for racist, religious or political reasons. An aggregate total of 12% of these proceeds will be made available to the Federation of Austrian Resistance Fighters and Victims of Fascism, to the Federation of Socialist Freedom Fighters and Victims of Fascism, as well as to the Association of the Austrian People's Party of those persecuted on political grounds.



Auction catalogue of the Mauerbach-objects

The "information regarding the legal status" explains that all purchases at the Mauerbach auction have "the same special protection granted under Austrian law to any auction purchases, namely a fundamental right to ownership against any legal claims by third parties. According to section 367 ABGB this protection also extends to cases where third parties could successfully prove their right to title of ownership".

With this auction, the history of the Allied Collecting Points will not be closed completely - the Austrian courts are still reviewing claims on Mauerbach objects. In some cases, there are claims by twenty different claimants on one individual object.

Josephine Leistra, Inspectorate of Cultural Heritage, The Hague

## Part II: An Equivocal Sale

The Mauerbach Auction on October 29th and 30th at the Museum of Applied Arts (MAK) in Vienna rejoiced all those interested and concerned by the Holocaust, Nazi art looting and restitution. But notwithstanding our joy there lie a few errors concerning the origin of the artworks to be sold and seen fully for the first time in 50 years and on the real efforts accomplished by Austria since the war to find their rightful owners.

It is the London auction house Christie's that, since November 1995, prepared the sale catalogue, the 1045 lots (comprising over 8,000 items) and that will direct the sale. A large part of the proceeds will go to the Federation of Jewish Communities of Austria while a smaller part will go to Austrian associations of resistants and victims of Nazism. These lots will, hence, be sold and the case of Nazi art looting in Austria will be closed once and for all. In fact, the Austrian government has reassured potential buyers stating that their new ownership rights will be protected



against any legal claims by third parties, even in cases where third parties could successfully prove their right to title of ownership.

This auction sale is an answer to the duty to remember, a praiseworthy act and a seemingly satisfying outcome for all parties involved, fifty years afterwards. In the same way that chasing, arresting and bringing to trial a Nazi war criminal today fulfills our demands for justice and moral. But, on reflexion, the soon-to-be-tried criminal will have lived peacefully and with complete impunity through all those years. This is why, beyond the duty to remember all looted victims and all those who died at the hands of the Nazis, there is also the duty of truth, aside from the international public relations campaign set by the Austrian government and by the auction house concerned.

Let us try to clear up a few misunderstandings. First of all, contrary to what the Federal President of the Republic of Austria, Thomas Klestil, states in his foreword to the Christie's catalogue, the artworks stored at the Mauerbach monastery did not all belong to Austrian Jews. The more than 8,000 items to be sold that week are essentially remains of what had been hidden by the Nazis in the Alt Aussee salt mines, near Salzburg, before they were found by the advancing US army. But the fact that the Nazis had stored them in Austria does not mean they belonged to Austrian citizens. In fact, the Nazis had used Alt Aussee to store artworks looted all over Europe, like the sublime altarpiece "The Adoration of the Lamb" by the van Eyck brothers belonging to Belgium, a part of the valuable Rothschild and David-Weill collections coming from France and other collections belonging to German museums.

This remainder - which in the postwar confusion was thought to belong only to Austrians - plus artworks coming from other depots in Germany were still in storage at the Munich Central Collecting Point when it was to close in 1951. This collecting point for looted art had been opened by the US army after the German surrender in 1945 to inventory and retribute to each European country the hundreds of thousands of looted artworks found all across Germany. And the Austrian government at the time found itself with these thousands of works to be restituted to their rightful owners. But until very recently Austria has been extremely secretive concerning these unclaimed objects. In a similarly discrete manner these unclaimed works were stored in the 70's at Mauerbach, the "Kunsthistorisches Museum" (Museum of Art History) and the "Österreichische Galerie" (Austrian Gallery). Access to these works was strictly forbidden to individuals filing claims as well as to foreign diplomats or curators representing them. In order to recuperate one's own property one had to fulfill government demands nearing absurdity, where claimants would not be allowed to see the objects they were claiming.

Thus, in 1973, Pierre Rosenberg, the current director of the Louvre and then a young state curator, went on an official French claims mission to Austria to inspect several paintings stored at Mauerbach and thought to belong to looted French families. But the Austrian Finance Ministry refused to show him the paintings or even photos of it. The French ambassador at the time was also refused to the depot. 14 years later, in 1987, two other Louvre curators on a 100-paintings claim mission noticed that

Austria's attitude had changed little. Their report stated: "After long and tedious negotiations the Austrian Finance Ministry has accepted to show us 17 paintings ... refusing to show us the rest under the pretense that we possessed no photos of those works or because those works were already being claimed by other or others". In the same official report the two curators complained moreover of the inaccuracy of the lists of artworks, of the lack of professionalism and of the cold, humid and unheated rooms where these works were kept. A few years later still another French ambassador to Austria was again refused access to Mauerbach.

At the same time, the Austrian government, with all its zealotry in keeping these works from public view, did not undertake any seemingly active research to find the rightful owners of these works, and it started selling some of them. Moreover, about 550 of these unclaimed artworks were taken into the collections of Austrian state museums or designated to decorate Austrian embassies around the world. Why were these works sold or kept by Austria while, at the same time, it was returning some of them to those who could prove ownership?

Today, Austria courts are still reviewing claims on some of these artworks, while the auction goes on. Many of the active state officials in charge of restitution of looted art in France, Germany, Holland and Belgium are surprised at the conditions under which the Austria sale took place. They all agree that Austrian official information on the auction travelled slowly and badly. Information was never officially and wholly transmitted to the state administrations in charge of restitution in other European countries. Although it is true that the sale was announced in the Austrian government's semi-official newspaper and sent out to embassies in Vienna. But this is not enough.

With such a complex and delicate situation Christie's should have taken precautions to make sure a maximum is done to find the owners of these works before the sale comes up. Christie's has already announced that three lots have been taken off the sale since the catalogue was published. They have been successfully claimed by an 83-year Israeli woman who, upon seeing the catalogue, recognized them as belonging to her mother. But this type of spontaneous claim will not be admitted by Austria after the sale took place.

And we come to the central misunderstanding concerning the Mauerbach sale: no one was and has never been really in charge of finding the owners of these works. Christie's saw the items only a year ago at "Schloß Schönbrunn" (Schönbrunn Palace), and, besides, the search for owners was unfortunately not stated in the terms and conditions of the auction house's contract. According to Anke Adler-Slottke, Christie's international coordinator for this sale, "Christie's does not have the duty to look for former owners. Christie's can only do the artistic research, as it is recorded in art books that we have access to as an auction house. We consider Austria and the Allies did their best". But we have seen this was not and has never been the case.

Moreover, this type of exclusively aesthetic research disregards the kind of documents, archives, and the experts that could verily be useful in this case. Let us take lot 101 in the auction catalogue as an example: it is a small 16th century painting by

the French painter Pierre-Antoine de Machy. The provenance of the painting merely mentions the Maria Dietrich Gallery in Munich as the only entry since the time this picture was painted some two hundred years ago. Now, as any researcher in Nazi art looting knows, the very active Maria Dietrich, a friend of Eva Braun, was one of Hitler's personal art dealers. Several of the interrogatories of Maria Dietrich undertaken by the US army and other Allies and the detailed lists of many of the paintings that went through her gallery are easily and readily accessible in public archives in several countries. Why did not anyone check them? They could have provided us with important information leading eventually to the rightful owner of lot 101. This kind of passive research is inappropriate in this and all other cases involved.

It is true, though, that if ideally Christie's had fully accomplished active research on all of the unclaimed artworks we would have probably reached an absurd situation: the auction sale would not have taken place at all since all, or most, owners and heirs would have been found.

The fact remains, however, that we had to wait almost 50 years for the Mauerbach works to be shown. No matter the present Austrian government's undoubtedly good intentions we cannot but deplore that the search for the rightful owners of these works was skirted round, dodged and avoided for half a century. And that now, after the auction has taken place, the real and rightful owners of these works will have truly disappeared for ever.

Hector Feliciano, Journalist, Paris

### **"The Spoils of War": Proceedings of the 1995 New York Symposium**

The proceedings of the international symposium organized by The Bard Graduate Center for Studies in the Decorative Arts and held in New York on January 19th-21st, 1995, will be published in early 1997 by Harry N. Abrams, Inc., in association with the Bard Graduate Center.

The symposium, "The Spoils of War - World War II and Its Aftermath: The Loss, Reappearance, and Recovery of Cultural Property", dealt with the art and other cultural property that was looted, damaged, and destroyed in vast quantities by the Nazi armed forces and confiscation agencies and the consequences that ensued. The purpose of the New York symposium was to provide a public forum in which those people working most actively on World War II recovery and restitution could discuss their concerns openly in an unbiased and productive setting.

The publication of the proceedings will provide a permanent document of these discussions, including written versions of the 49 presentations given at the symposium, papers by six of the invited guest participants, and a brief introduction to the volume. The original order of the presentations has been retained, with much new information added by the authors. Endnotes and a bibliography have been included at the back of the book. I wish to take this opportunity to thank the authors for their contributions and to acknowledge the hard work of the members of the "The Spoils of War" staff and the editorial board: Constance Lowenthal, Lynn Nicholas, Jonathan Petropoulos, and Stephen Urice.

Part One of the proceedings presents an overview of "the spoils of war" - the taking of booty in armed conflict - with contributions by Jeanette Greenfield and Lynn Nicholas. Part Two is devoted to a discussion of World War II losses in Poland (Jan Pruszyński), the Netherlands (Josefine Leistra), Belgium (Jacques Lust), France (Marie Hamon), Russia (Mikhail Shvidkoi), Ukraine (Alexander Fedoruk), Belorussia (Adam Maldis), Austria (Gerhard Sailer), Hungary (István Fodor), and Germany (Werner Schmidt), with special chapters on Jewish losses (Vivian Mann) and on the project to catalogue losses in the former Soviet republics being carried out by the Research Institute for Eastern Europe, University of Bremen (Marlene Hiller).

Part Three is devoted to legal issues relating to wartime cultural losses, with chapters on the laws in force at the beginning of World War II (Lawrence Kaye), German laws and directives in the Third Reich (Jonathan Petropoulos), laws and conventions enacted by the Allied Control Council (Michael Kurtz), and the transfer of the contents of German repositories into the custody of the USSR (Nikolai Nikandrov).

The American Army and Navy officers that officiated at the Allied Collecting Points and served in the Art Looting Investigation Unit were honoured at the symposium, and the presentations of the speakers in this session are included in Part Four: Edith Standen, James Plaut, Craig Smyth, Walter Farmer, Bernard Taper, and S. Lane Faison. Chapters on the role of the US State Department regarding claims for the restitution of stolen cultural property (Ely Maurer) and on the post-war restitutions made to the German Democratic Republic by the USSR follow. The section concludes with chapters on the Quedlinburg Church treasures by Constance Lowenthal, Willi Korte, William Honan, and Thomas R. Kline.

Part Five - "Reappearance and Recovery" - is devoted to a discussion of recent confirmations of holdings in the once-secret repositories of the countries of the former USSR, with contributions by Constance Lowenthal (introduction), Konstantin Akinsha and Grigorii Kozlov (the discovery of the secret repositories), Alexei Rastorgouev (displaced art in private hands), and Valerii Kulishov (the history of the repositories and their contents). These are followed by chapters on legal issues relating to the Russian repositories and the German-Russian negotiations, contributed by Wilfried Fiedler, Armin Hiller, and Mark Boguslavskii.

The section ends with a case study on the "Treasure of Priam" and other precious objects discovered by Schliemann at the site of Troy, which were removed from Turkey after their excavation, bequeathed by Schliemann to the Berlin State Museums, and subsequently transferred from Berlin to Russia in 1945, where they are now kept in the Pushkin State Museum of Fine Arts, Moscow, and the State Hermitage Museum, St. Petersburg. Contributors to this case study are Elizabeth Simpson (introduction), Donald Easton (the history of the Trojan treasures up to the death of Schliemann in 1890), Klaus Goldmann (the disappearance and search for the treasures after World War II), Stephen Urice (claims to ownership of the Trojan treasures), Manfred Korfmann (the value of the finds to the scientific community),

and Vladimir Tolstikov (preparation of the catalogue for the exhibition at the Pushkin State Museum of Fine Arts).

The final session of the symposium - "Current issues and Cooperative Efforts" - is documented in Part Six, with chapters by Wolfgang Eichwede (models of restitution: Germany, Russia, Ukraine), Ekaterina Genieva (german book collections in Russian Libraries), and Lyndel Prott (principles for the resolution of disputes concerning cultural heritage displaced during the Second World War). These three specialists offer suggestions as to ways in which the current impasse regarding issues of restitution and return may be circumvented, in the hope that the optimism that prevailed in the first part of this decade may be realized in the second.

Contributions of guest participants are found in Part Seven: Pavel Jirasek (World War II losses in the Czech Republic), Jana Bahurinska (recovery of cultural property in Slovakia), Wojciech Kowalski (World War II cultural losses in Poland), Christine Koenigs (the sale of the Franz Koenigs collection), Hagen Lambsdorff (return of cultural property: hostages of war or harbingers of peace?), and Patricia Grimsted (captured archives and restitution problems on the Eastern front).

Seventeen key legal documents that are often referred to but rarely reproduced have been added as appendices at the end of the volume. These appendices contain the relevant provisions of all major international treaties, laws, conventions, protocols, and official statements relating to wartime plunder, restitution, and repatriation. It is our hope that this volume of proceedings will be of lasting significance for specialists working on these issues.

Elizabeth Simpson, The Bard Graduate Center  
for Studies in the Decorative Arts, New York

## By Diplomatic Pouch: Art Smuggling by the Nazis

Through the sale of gold, silver, platinum, precious gems, and last but not least works of art the Nazis have been able to accumulate foreign currencies in the neutral countries. Sweden, Spain, Portugal, Turkey, Latin American countries, and especially Switzerland have been the recipients of looted assets. Precious metals and stones, just like art, have in common that they can fairly easily be transported by diplomatic pouch. In this context the term 'pouch' may be somewhat misleading, because the size can vary from small bags to big containers.

In this article, I will focus on the transportation of looted art, which - like other assets of a highly specific value - was popular among the smugglers of the Third Reich. Paintings and other art objects were easy to move, easy to hide and generated much foreign exchange with which goods, necessary for warfare, could be purchased on markets beyond the German sphere of influence.

Looted art was not only meant to be sold but was also used as object for exchange. The Nazis adored the works of old German, Dutch, Flemish, French, and Italian masters. Looted paintings within this category went straight to the Reich. They were destined to the Führermuseum-to-be in Linz, the collection of Goering or other

high ranking Nazi officials. In other cases art objects were donated to museums spread over Hitler's empire. Looted works of 'degenerate' artists as Degas, Monet, Renoir, Gauguin, Van Gogh, or Picasso reached Berne in diplomatic bags where this "Entartete Kunst" (artworks of Impressionists and modern pictures) was sold or exchanged for German paintings which - although not seldom second rate - were more to the liking of the Nazi art collectors. Besides that these works fitted better into their ideology, these 'degenerates' also generated far higher prices on the Swiss art market. The German art smugglers can be divided into two categories: on the one side the agents who operated under orders of the government in Berlin and on the other side Nazi officials - often operating through front men - who had a private interest. They wanted a financial safeguard for the future in case Germany should lose the war.

The art was plundered from occupied France, the Benelux countries, and Eastern Europe. There has been a considerable difference with regard to the Nazi art politics in the Western and Eastern occupied territories. In the East of Europe the infamous task force of Reichsleiter Alfred Rosenberg ("Einsatzstab Reichsleiter Rosenberg", ERR), Hitler's special plunder team for libraries, archives and works of art, made a clean sweep of collections, both private and public, while in the West national museums were left comparatively intact. However, that did not apply to private collections owned by Jews, freemasons, and other groups which were labelled as enemies of the Nazi state. Their collections were confiscated outright by the ERR. The same was true for collections whose owners were absent, mostly Jews, because they had fled from the invading German armies. Their property was regarded as 'enemy property' and seized accordingly.

Within the Reich the ERR, since 1937, had the authority to confiscate Jewish owned paintings which became the property of the German state. Parts of these confiscated collections have probably been sold on the international market before the outbreak of the war. That fact further complicates the problems of recovery, because the Allied Declaration (January 1943) aimed against illegal acts of dispossession of citizens in countries occupied by Germany cannot be applied to the years preceding the Second World War. In the Allied Declaration 18 United Nations, including the USSR, Great Britain, and the United States reserved their rights "to declare invalid any transfers of, or dealings with property, rights, and interests of any description whatsoever which are, or have been, situated in the territories which have come under the occupation or control, direct or indirect, of the governments with which they were at war".

The quantity of looted art actually 'exported' (i.e. smuggled) to the Western hemisphere and the neutral European countries is probably a small part of the total plunder which in any case has been the largest in world history. It is difficult to estimate the total value because the value of art objects is extremely fluid. The British Daily Telegraph September 21st, 1996 estimated the value of looted art treasures which entered Switzerland from Germany by diplomatic bags to £15 billion (today's value). This estimation is certainly not too low. In August 1945, little definitive proof of art being smuggled into Switzerland had been found "except the evidence of those

pictures which are known to have been imported in the German diplomatic pouch by Helmut Beyer, a German commercial attaché, 6 Florastr., Muri, near Berne".<sup>1</sup> Although it could not be proven, it was nevertheless assumed, according to a US report of December 1945, that "in Switzerland traffic in looted art apparently reached large proportions, and it is believed that for the moment German-owned and looted art objects are lying in bank vaults, at forwarding agencies, in depositories or in private hands, either of German, Swiss, or other nationality. The total value of this type of assets is estimated \$ 29 million to \$ 46 million".<sup>2</sup>

The search for looted art in neutral countries appeared to be further complicated by the fact that much was done in order to obscure its origins: "objets d'art" were often not held in the name of their German looters or fences but in the name of vague Swiss front men, not seldom using false identities. Artworks have also been deliberately made the object of a range of consecutive transactions devised to disguise their true origin.

As far as known, neither well-known Swiss collectors nor Swiss museums acquired looted artworks - with very few exceptions (Emile Bühle, arms manufacturer of Oerlikon who also assisted German armament production and technical research, being one of them). Reports state that a substantial portion was bought by Swiss dealers and citizens. Part of the booty went from Switzerland to Spain and Portugal where it was either sold or reshipped to destinations in Latin America. From there, a part is believed to have been sold to the United States. Already before America's entry into the war (December 1941), attempts were made to transport artworks to the US. Not long after the US *Excalibur* had left the port of Lisbon, a collection of 500 looted drawings was discovered on board. Looted art is also said to have been bound for the Swedish capital.

It is evident that the spoils of war, after having arrived in German embassies in neutral states, could be forwarded to any place in the world. According to intelligence reports, the Germans did not only make use of their own diplomatic mail facilities but also transported looted art in Swiss, Spanish, Portuguese, Swedish, or South American diplomatic pouches to safe havens all over the world. The problem with evidence, based on intelligence reports, is that the information is difficult to check, because it rests mainly on secret sources which quite often - by law - may not be revealed. Those reports, mostly drawn up by British and US intelligence services, seldom offer conclusive proof.

The implication is that both the value and the quantity of the looted art treasures - smuggled by diplomatic bags - cannot adequately be verified in most cases. Another obscuring factor is that according to international law, diplomatic bags are immune from inspection. Thanks to its diplomatic disguise, looted art on its way to Latin America could easily pass the Allied controls at sea. By sea any small item could in fact easily be smuggled - also without making use of diplomatic pouches - because the Allied blockade machinery was designed to examine bulk cargoes, measured in shiploads or tons. Smuggling rings have reported to be effective and well organized; their potential routes were many. Another often reported way of secret transport was

by German submarines. But also in these cases we do depend on unverifiable intelligence records.

The conclusion must be drawn that both the sources of information and ways of shipping are difficult to control and therefore hard to prove. That does not, of course, mean that those reports are false or that they must be neglected. On the basis of circumstantial evidence and the well-known and often established fact that abuse of diplomatic bags in wartime was rather the rule than the exception, it seems safe to assume that a considerable part of artworks has ended up in neutral countries by diplomatic pouch or by use of neutral means of shipment. From their initial bases in German embassies and consulates the works of art could have been sent to almost any destination in the world.

It is not known how many works of art now, more than half a century later, can still be found in the Alpine state. By the end of 1945 only about 75 looted paintings had been unearthed in Switzerland. Is the rest still there (or in the other former neutral states) or has it been scattered all over the world in the meantime? We will probably never know.

Gerard Aalders, Department of Research, The Netherlands  
State Institute for War Documentation, Amsterdam

**Notes:**

<sup>1</sup>Quoted from: "Looted Art in Occupied Territories, Neutral Countries and Latin America".

<sup>2</sup>Quoted from: "A Program for German Economic and Industrial Disarmament. Foreign Economic Administration Enemy Branch, Final Report".

**Sources:**

Gerard Aalders; Cees Wiebes: *The Art of Cloaking Ownership*. Amsterdam 1996.

Riksarkivet, Stockholm, 1920 års dossiersystem. HP 1645. "A Program for German Economic and Industrial Disarmament. Foreign Economic Administration Enemy Branch, Final Report, December 20. 1945."

National Archives Washington, RG 84. The Hague Embassy Confidential File. Box no. 3. "Looted Art in Occupied Territories, Neutral Countries and Latin America". Revised.

National Archives Washington, RG 59, Safehaven Subject Files 1945-1947. Box no. 3. Folder: Safehaven Special Subjects.

National Archives Washington, RG 59. Safehaven Country File. Box no. 2. Folder: Switzerland. Safehaven Special Subjects Outline.

## Symposium in Brussels

In close cooperation with the General Secretariat of the Benelux the Ministry of Economic Affairs organized an international symposium "Cultural Goods Spoiled During the Second World War". This symposium took place in Brussels on October 8th, 1996.

From 1994 onwards an annual meeting is held at the General Secretariat of the Benelux Economic Union between officials from the three Benelux countries. On this meeting information which is of interest to all concerned countries is exchanged. Through these efforts the Grand Duchy of Luxembourg started its research on their cultural losses. On historical grounds the Benelux countries were enlarged with a



French delegation for this event. After the Second World War a close cooperation, even coordination existed between the four countries in the restitution of these lost cultural (and economic) goods. From the national socialist political angle France and the Benelux countries formed the Western occupied territories.

The participants were welcomed by Ben Hennekam, Secretary General of the Benelux Economical Union. Philippe Lambot, representative of the Vice-Prime Minister and Minister of Economic Affairs, Elio di Rupo put the human, cultural and economic losses of the Second World War in a historical perspective and gave an overview of the future activities. Frits Hoogewoud, Replacing Curator of the "Bibliotheca Rosenthaliana" (University of Amsterdam) restituted books to Belgium and France under the device "symbol of a symbol".

The symposium was divided in three round tables on the cultural spoils of the Second World War, under the presidency of Charles Godart, Ministry of Economic Affairs, Directorate Economic Relations.

The first round table was on results of the research and the restitution of lost cultural objects. Marie Hamon, Ministry of Foreign Affairs (France); Josefine Leistra, Rijksdienst Beeldende Kunst and Jan van Hoorn, Ministry of Foreign Affairs (The Netherlands); Paul Dostert, Ministry of Culture (Luxembourg); Jacques Lust, Ministry of Economic Affairs; Jan Davadder and Yvan Hubot, Ministry of Foreign Affairs (Belgium) clarified the situation in their respective countries. A second round table looked further than actual investigations and surveyed the possibilities of a renewed cooperation. A third round table was devoted to the evolution in legislation, especially in the Russian Federation.

The international symposium not only led to the exchanging of practical information, but also looked for a more pragmatic coordination between the Benelux countries and France. The high number of participants confirmed the succes of the conference.

Thierry Charlier, General Secretariat of the Benelux, Brussels  
Jacques Lust, Ministry of Economic Affairs, Brussels

## International Symposium in Kiev

On December 12th and 13th, 1996 the National Commission of the Restitution of Cultural Treasures to Ukraine organized in Kiev an international symposium on the "Legal Aspects of Restitution of Cultural Values: Theory and Practice". This was the largest conference concerning cultural heritage held in an Eastern European country since the independence of former Soviet states.

Although the conference was not only concerned with Second World War cultural losses, this subject dominated most of the lectures. The symposium was attended mostly by experts and officials from Middle and Eastern Europe (Belorussia, Hungary, Lithuania, Poland, the Russian Federation, Roumania, Slovakia, the Ukraine). The largest delegation of speakers came from the Ukraine itself, where most of the

national and regional institutions were well represented. Participants also came from Belgium, France, Germany, Italy and the USA. Lyndel Prott, director of the UNESCO International Cultural Legacy Section lectured on "The Legal Issues Relating to the Return of Cultural Property in Europe".

After the opening of the symposium by Alexander Fedoruk, Head of the National Commission, the first day was devoted to scientific reports on "Cultural Heritage and the Restitution of Cultural Values". The second day was divided in three sections with specialists reporting on: the national legislation and its conformity to international law regulations in the field of protection of cultural values, international law problems and mechanisms of restitution of cultural values to countries of their origin and law and organization of international cooperation in the field of search and restitution of displaced cultural values.

The participants agreed at the end of the symposium to call upon the General Director and the Secretariat of UNESCO and the Council of Europe:

- to keep on taking efforts for further updating international legal norms in the sphere of protection, repatriation, restitution of cultural treasures and the creation of effective mechanisms of international cooperation in this sphere
- to bring international laws in the sphere of protection, repatriation and restitution of cultural treasures in line with the norms of international law, to enhance the countries' liability for not-fulfilment of their obligations in the sphere of protection, repatriation and restitution of cultural treasures they are bound to as parties to international conventions and agreements
- to promote international exchange of information on the lost or illegally transferred cultural treasures which are subject to repatriation
- to hold a special session of UNESCO International Committee for the repatriation of cultural treasures to the countries of their origin or their restitution in case of their illegal appropriation to the problems of search and restitution of cultural treasures which constitute an inseparable part of the national legacy
- that UNESCO-session would not get in the way of existing bilateral and multi-lateral agreements.

At the end of the conference Belorussia, Poland and the UNESCO promised to organize in the coming years conferences on these topics.

Jacques Lust, Ministry of Economic Affairs, Brussels

## Country Reports

### Austria

The most serious Austrian losses of cultural treasures during and after the Second World War are primarily due to the so-called "Entlehnung" (borrowing) of cultural objects from Austrian museums and monasteries to be used as decoration in national socialist offices. Until this day, most of the valuables have still not been returned by the 'borrowers', their legal heirs, or present owners.

As early as in 1938, the "Kunsthistorisches Museum Wien" (Museum of Art History Vienna) had to 'lend' three series of tapestries to the "Reichskanzlei" (Chancellery of the Reich) in Berlin. All three series were handed over to the Reichskanzlei with borrowing slips of February 27th, 1939. Since the end of World War II they are lost without trace. The tapestry series depict scenes of the life of Alexander the Great (8 tapestries, Dutch, 17th century, following Charles Le Brun's paintings and the cartoons made after them for the gobelin manufacturing in Paris). They further show scenes of the life of Decius Mus (5 tapestries, Brussels, 17th century, with the city symbol of Brussels, after cartoons by Rubens) as well as episodes from the life of Dido and Aeneas (8 tapestries, Antwerp, 17th century, by M. Wauters following cartoons by Giovanni Francesco Romanelli).

In the same way 9 tapestries from the "Kunsthistorisches Museum Wien" were 'lent' to "Karinhall" (the country house of Hermann Göring in Schorfheide/Brandenburg) and are missing since the end of the war. Six of these hunting scenes - Göring was a so-called "Reichjägermeister" (hunting master of the Reich) - not only carry the city symbol of Brussels but also the signature of the weaver Daniel Eggermans. They were woven around the middle of the 17th century after sketches by Peter Paul Rubens. Three other hunting scenes, all marked with the symbol of Brussels and the name of the weaver Frans van der Borgh, date back to the middle of the 18th century.

Research from 1973 to 1975 on the whereabouts of the tapestries led to the National Museum of Warsaw/Poland, where two of the tapestries of the "Kunsthistorisches Museum" could be located; originally they had been taken to the "Gauleitung" of Niederschlesien (Lower Silesia) in Breslau in 1938. A year later the People's Republic of Poland gave these tapestries back, pointing out that "they were given to them by the Russians". Therefore, the question arises if the third tapestry "The Battle of Alexander and the Capture of Darius' Family", Flemish, 16th century, which was also lent to Breslau could be found.

Especially the objects of the picture gallery of the "Kunsthistorisches Museum" which were lent to the "Reichskanzlei" in Berlin are of major artistic and historical value. An example are the paintings by Angelika Kaufmann that were acquired by Emperor Joseph II. Lists of such paintings are available in the "Kunsthistorisches Museum", as well as similar lists of historical weapons (also from the "Kunsthistorisches Museum"), and lists of losses suffered by the Austrian Museum for Applied Arts and by the Austrian Gallery in the Belvedere.

Other institutions than state museums signed "Leihverträge" (loan contracts) more or less under duress. One example shall be mentioned. During the administration of the Upper Austrian St. Florian convent by the national socialist "Gauleitung", respectively by the "Reichsrundfunkanstalt" (Broadcasting Company of the Reich) many objects went missing: paintings (e.g. Breughel's "Der Brand von Rotterdam" (The Fire of Rotterdam)), copper engravings (e.g. Adam Sculptor Maruanus, Michelangelo, 73 engravings by Ghisi, "Figuren der Deckengemälde der Sixtina" (Figures of the Ceiling Frescoes of the Sixtina), ca 1650), gobelin upholsteries of tables and chairs. Then after the war, very valuable furniture of the Upper Austrian con-

vent "Kremsmünster" disappeared; they had been taken by order of the infamous national socialist "Gauleiter" August Eigruber.

While the whereabouts of the series of tapestries, paintings, weapons, etc., which are the property of the "Kunsthistorisches Museum" Vienna and of the other collections mentioned, are still unknown, the properties of the Austrian National Library could be located: 560 numbers of Pahlawi-papyri and parchments from Middle Persia have been discovered in the Hermitage of St. Petersburg. Although the director of the Hermitage, Michael Piotrowski, declared his willingness to return the collection still wrapped in the original paper envelopes, it's the bureaucracy which has since prevented the return.

The question suggests itself whether those missing artworks 'lent' to the "Reichskanzlei" in Berlin, to "Karinhall" and to Breslau also could have been taken to Russia and might still be there today.

Another starting point for research into Austrian losses of cultural treasures are the monasteries, churches, castles and palaces outside the cities. For safety reasons a great number of artworks were taken to these places during and after the war. Apart from extensive destruction of buildings and great damages to other buildings, it is surprising how few moveable cultural treasures were destroyed, since Austria was part of the immediate war-zone. A very lamentable incident, however, is the fate of Immendorf Castle, situated in the Northeast of Lower Austria, which was completely destroyed on May 8th, 1945, by an explosion of no military necessity. Highly valuable moveable treasures were sacrificed through this act of senseless destruction carried out by one of the units of the SS division "Feldherrnhalle". All the private art collection, kept in the castle for safety reasons since 1943, as well as the stocks of the Museum for Applied Arts of Vienna and of the Austrian Gallery were destroyed (among them works by Gustav Klimt).

Losses of cultural goods taken for safekeeping to the buildings mentioned above and losses of their original furniture immediately after the war can be summed up under three perspectives:

1. The Allied military forces needed rooms for their lodging and administration. Clearing the buildings of the stocks often was done hastily and without realizing the value of the objects. Therefore, many objects were deposited in inadequate rooms or piled up in the open; like this almost the entire works of the composer Richard Strauß were destroyed.
2. The furniture needed in the military offices was taken from museum collections and the interiors of castles and probably destroyed by use.
3. Due to the negligence and lack of interest of the supervising personnel plundering was facilitated; in the light of such an easy access, many soldiers, prisoners of war in those days, and local people could take whatever they desired.

Because of the massive amount of objects lost, it would be beyond scientific accuracy to even attempt to quantify or estimate the kind of damage and loss suffered.

From what has been said, it is clear that after the war in Austria - other than in Germany - no transportation of cultural treasures as spoils of war took place. The reason for that seems to be the Moscow Declaration from November 1st, 1943, in which the Allies stated that in 1938 Austria had become the victim of aggression. Also the individual attitude of certain officers of the Allies led to the return of cultural treasures to their place of origin, not only on the side of the Western Allies (direct returns of artworks to the Austrian museums, careful transportations from recovery sites such as Alt Aussee, Bad Ischl and Lauffen via the Collection Point in Munich to Salzburg and Vienna) but also the Soviet side helped to prevent some losses, by providing ten lorries daily by Marshall Konjew to transport works of art back to the museums.

As an exception - or rather a violation - to the Moscow Declaration can be regarded the treatment of about 30 boxes with manuscripts and books belonging to the University Library of Graz which were transported towards Maribor by troops from ex-Yugoslavia. Recently one of the 85 manuscripts vanished then was offered for sale to the university. A similar situation applies to the Castle Grafenegg/Lower Austria: Soviet soldiers transported artworks by the waggon load, so that an empty castle was left behind. A list of these losses does exist.

The "Österreichisches Bundesdenkmalamt" (Austrian Federal Office for the Protection of Monuments and Cultural Properties) tried at all times to recover all pieces of art, situated in Austria in 1938, and to return them to the country. By doing so the specialized department exceeded its usual agenda, but a separate institution responsible for the return of looted cultural treasures did not and still does not exist in Austria. The whereabouts of Austrian cultural goods still held back in other countries are investigated on the diplomatic level. In the future, the "Zentrale Stelle" (Central Office) of the "Bundesdenkmalamt" will have the authority to implement the guideline 93/7/EWG (European Economic Union) on the return of cultural goods illegally taken from the territories of the countries belonging to the European Community.

Gerhard Sailer, President of the Austrian Federal Office for  
the Protection of Monuments and Cultural Properties, Vienna

## Belgium

During the second half of 1996 Germany and the Netherlands have restituted archives and books to Belgium. These were the first cultural objects, spoiled during the Second World War, which in more than 40 years returned to Belgian ownership. These discoveries also open new perspectives for future investigations and clarified unknown locations.

On October 8th, 1996 the Ministry of Economic Affairs and the General Secretariat of the Benelux organized the symposium "Cultural Goods Spoiled during the Second World War". Officials, experts and specialists from Belgium, France, Luxembourg and the Netherlands were invited to Brussels. Representatives of the Minis-

tries of Foreign Affairs of the four countries attended the conference. A closer cooperation, which had existed after the Second World War, was thus renewed.

The publication and the distribution of the catalogues concerning the Belgian cultural losses during the Second World War mentioned in the last Country Report, is delayed by a few months through the discovery of additional archival material.

Jacques Lust, Ministry of Economic Affairs, Brussels

## Belorussia

For the Republic of Belorussia the restitution of the historical and cultural treasures is a very topical problem. The national heritage of Belarussia is rich, we can be proud of the great variety of our historical and cultural treasures. This work must have both a state and a legal basis. In 1992, the Law of the Republic of Belorussia "about the protection of historical and cultural heritage" was adopted. Its adoption forms the legal basis to step up the activities on restitution of the national treasures.

In spite of certain new difficulties in solving the restitution of cultural treasures, during the period of existing Belorussia as an independent state:

1. the Law of the Republic of Belorussia "about the protection of historical and cultural heritage" was adopted;
2. the inter-governmental declaration about cooperation in the field of culture, science and education and the agreement about cooperation in the field of historical and cultural heritage with the Republic Poland were signed;
3. two books of the collection "Vyartanne" (Returning) containing the information not only about 50,000 items of Belorussian treasures but also about archives and collections were edited;
4. activities on a number of research programs in this field have begun.

Therefore this problem is far beyond the reach of one state, and the necessity of stepping up the activities of the world community on solving problems of restitution of historical and cultural treasures to the countries of their origin is as urgent as never before.

Vasilii M. Tchernik, Deputy Head of the State Inspection of the Republic of Belorussia on the Protection of Historical and Cultural Heritage, Minsk

## France

This country report gives an account of the conference "Spoils of War and Restitutions. The Destiny of French Works of Art During the Second World War", which took place in Paris on November 17th, 1996.

The conference "Spoils of War and Restitutions. The Destiny of French Works of Art During the Second World War" on the MNR was organized by the "Direction des Musées de France" on Sunday, 17th November, 1996 in the Amphithéâtre Rohan of the "Ecole du Louvre", under the presidency of Françoise Cachin. More than

450 persons attended the colloquium. The lectures dealt with four main topics: Museums During the Occupation, The Spoils, The Art Market and Recuperation and Restitutions.

Most of the conference was devoted to France, except the lectures of Doris Lemmermeier, Mario Bondioli-Osio and Jacques Lust. Doris Lemmermeier evoked the numerous art robberies in Germany in the aftermath of the war. Mario Bondioli-Osio and Jacques Lust described for Italy and Belgium respectively the accomplished work on the recuperation and restitution of spoiled works of art and the publications on the disappeared cultural goods.

### **A Tragic Age**

Several lectures did revive the somber age of the war and the Occupation. A time which left historical wounds, which are still alive and explain the sad tone of the lectures. Maurice Sérullaz, honorary inspector-general of the museums of France recalled the evacuation of the national and some private collections, which started in 1939. These were transported to different places: the museum Ingres in Montauban, the castle of Sourche (Sarthe), the castle of Valencay (Indre), the castle of Montal (Lot) etc. All these works of art at the time of the Liberation again were methodically registered, before they regained progressively their way to their museums. "Nothing had disappeared".

Laurence Bertrand-Dorléac, historian, explained in her lecture the art market in Paris during the Occupation, which was prosperous because art was one of the rare opportunities of investment. The art market had two faces: on the one hand the traditional trade continued as seen in the opening of auspicious galleries (as the "Galerie de France" in 1943) and on the other hand the emerging of unknown collectors and new works of art - and galleries of suspicious or mostly malicious dealing, especially at the expense of persecuted victims.

### **The Evocation of Two "Key Figures"**

Two lectures were dedicated to the memories of two great figures of the period: Jacques Jaujard, director of the national museums during the Occupation and Rose Valland, charged with the mission in the "Jeu de Paume" during the war. Christiane Desroches-Noblecourt evoked the figure of Jacques Jaujard, who protected with great skill and lucidity the patrimony during the Occupation. She insisted that he "not only saved material treasures, but also saved numerous persons from the occupation forces, at the risk of his own freedom and even his life".

Fran|ois Augereau spoke in his lecture of the great figure of Rose Valland, whose actions were decisive at the end of the conflict in the restitution of spoiled collections, transferred to Germany. "Rose Valland was charged with the mission in the "Jeu de Paume", used by the Germans as transit depository of works of art stolen out of private collections. She accomplished during this period a real act of resistance and took great risks in identifying the stolen collections and to trace the destiny of the convoys, which left for Germany. The information she gathered, permitted after the liberation to retrace a large number of works of art in German depositories and to retribute these to their owners".

## **The Spoils**

In a well documented lecture Jacques Foucard evoked the cases of two paintings, one in Belgrade, the other one in Warsaw, which disappeared from French national collections during the war.

"If the works of art of national collections were relatively spared by the Nazi looting, on the contrary the private collections were largely plundered from 1940 onwards", explained the American historian Lynn H. Nicholas. "These were to a large extent works of art from Jewish families, robbed of their French nationality by the law of July 23th, 1940". Millions of objects collected by the Nazis and hidden over the Reich were discovered in 1945 by the Allies and the Soviets. The attitude of the two armies was completely different: the Soviets took the works of art to Russia, where some of them still are and the Western Allies decided to restitute them to their countries of origin. "The restitution of works of art out of large collections was easy, but it was more difficult to identify the collections of lesser importance". In general it remains a miracle that such a large number of works of art could be restituted. Of the 61,000 works of art restituted to France 45,000 were returned to their owners; 14,000 of the remaining 16,000 works of art were sold by the Domaines, and the remaining 2,000 were handed over to national museums. These are the famous MNR-works of art ("Musées Nationaux Récupération").

## **From the Activities of the Commission of Artistic Recuperation to the Ministry of Foreign Affairs**

Adeline Cacan de Bissy, honorary curator of the Museum "Petit Palais" explained that the Commission of Artistic Recuperation was created on November 24th, 1944, by the Minister of National Education. This commission, of which the organization was inspired by Jacques Jaujard had as primary mission the retracing of an important part of the national patrimony, plundered in France by the Nazis and transported to Germany during the four years of Occupation. The majority of the works of art was retrieved and important restitutions were made to the families Rothschild, David-Weill et Veil Picard. On December 31st, 1949, the Commission officially halted its activities.

Louis Amigues, director of the archives and the documentation of the Ministry of Foreign Affairs presented an overview of activities undertaken first by the "Office des biens et intérêts privés" (Office of Goods and Private Interests), and from 1949 onwards by the Directorate of Archives and Documentation. "Negotiations on restitution are momentarily under way with different countries", he explained, "at the same time profound investigations are made to retrace the owners in France, in close cooperation with the Direction des Musées de France".

## **The Legal Status of the MNR**

Monique Bourlet characterized with precision the legal status of the MNR, the 2,000 works of art, which were handed over in 1949 for safekeeping to the national museums. "The museums had done their job and went even further than the legislation asked for". First, the administration never wanted to become the owner of these works and objects, which are not integrated in the public collections and are registered in special inventories, which can be consulted by everybody. Second, the admi-



nistration decided in complete accordance with civil law on the revindication of moveable property, that revindications are imprescriptible.

### **Was it Possible to Do Better?**

The journalist Hector Feliciano has asked the question if the administration could not have retraced the owners or the heirs of works of art stolen during the war in a better way. There was no willingness for restitution: "Was it possible, if really wished for to retrace the owners". The question of ownership of the MNR is very delicate: a large number of these artworks were not plundered, but bought on the art market during the Occupation. As Didier Schulmann, curator of the MNAM has proved in the case of a painting of Léger from the collection Léonice Rosenberg, the status of the MNR is not the only proof of a robbery.

Françoise Cachin recalled the exhibition of these works of art in the national museum at the castle of Compiègne from 1950-1954, and estimated that, contrary to what was said, the "Direction des Musées de France" has made numerous efforts in the past and is still doing so today. "In spite of a bit of sadness, which every claim on a MNR in the museums gives us, we continue today as we did in the past to be at the disposal of possible owners or heirs". She underlined: "I confirm in the clearest possible way that our wish exists that the owners and their families will retrace their works of art, through the new technical possibilities we now possess. A database with the technical information on the MNR is set up on internet, and will be followed by the publication of a catalogue. This confirms our attitude from the start". The MNR are listed on internet, site of the Ministry of Culture, address: <http://www.culture.fr> under the heading "Documentation".

Robert Fohr, Directorate of the Museums of France, Paris

## Germany

No meetings of joint restitution commissions with other states took place during the last six months. Concerning the relations with Russia in this matter the acceptance of the law by the Russian Duma and the rejection by the Federation Council dominated the situation. At the Hermitage an exhibition with masterdrawings from German private collections was opened in December (see Latest News).

The new leader of the cultural department of the German Ministry of Foreign Affairs, Hans-Bodo Bertram, met the Polish plenipotentiary, Tadeusz Polak in Warsaw. It is planned to have a first meeting of a newly founded Polish-German working group in February in Berlin. The "Dokumentationsstelle des Bundesministeriums des Innern" (Documentation Office of the Federal Ministry of the Interior) and the "Koordinierungsstelle der Länder für die Rückführung von Kulturgütern" (Coordination Office of the Federal States for the Return of Cultural Property) right now evaluate the research results of the search for Polish cultural treasures which are believed to be in German institutions.

On the occasion of the visit of chancellor Helmut Kohl in Ukraine the German side handed over an icon, a Scythian mirror and about 200 books. The Ukrainian side

gave back three albums with engravings of the "Kupferstichkabinett Dresden" (Department of Prints and Drawings Dresden, see Restitutions). It seems possible to find an agreement between the two states. A new round of negotiations probably will take place next year. Georgia gave back 100.000 books to Germany without any conditions. This was the first restitution on such a big scale since the 50's. (Reports see Restitutions).

Mario Bondioli-Osio, President of the Interministerial Commission for Artworks, visited the Ministry of Foreign Affairs and the Coordination Office. It was agreed, that the German side will assist with the distribution of the Italian catalogue of war losses, of which the German edition has just been published.

The Coordination Office of the Federal States for the Return of Cultural Property will continue its work from January 1998 onwards in Magdeburg (Saxony-Anhalt). All 16 states will finance the Coordination Office together. This is the result of negotiations between the states during the last months. Until the end of 1997 the office remains in Bremen. On December, 16th a press conference in Magdeburg took place at which the president of the Conference of the Cultural Ministries of the Federal States, Karl-Heinz Reck, started the presentation of the losses of Saxony-Anhalt on internet (<http://www.dhh-3.de/looted>). This is a pilot project financed by the private firm TRIAS of Halberstadt for the first six months. It is aimed at finding a permanent sponsor and at enlarging the project to the presentation of the losses of all German institutions. Under the same internet address the newsletter "Spoils of War" (no. 2 and 3) can be found.

Doris Lemmermeier, Coordination Office of the Federal States for the Return of Cultural Property, Bremen

## Hungary

Between September 29th and October 1st, 1996, the Hungarian and Ukrainian restitution committee met in Budapest. On April 4th, 1995, the Ministers of Culture of both countries signed an agreement on cooperation in the matter of restitution. The 1996 meeting, the first since the signing of the agreement, was mainly concerned with the discussion of a schedule for future operations. The Hungarian-Ukrainian Restitution committee was also formed, headed by Alexander Fedoruk on behalf of the Ukrainian party and Iván Rónai, head of department in the Hungarian Ministry of Culture. An agreement was made over an exchange of experts in the field of informatics and archival research between the two countries. A discussion on the legal aspects of the restitution of artworks was held between December 11th- 14th, 1996, in Kiev. Nándor Fettich's diary is scheduled to be published in Kiev. Together with Gyula László, Fettich was actively engaged in the protection and saving of the artworks in the Lavra Monastery in 1943.

Between October 20th-23rd, 1996, Hungarian experts continued the identification of paintings and statues seized by the Red Army in Hungary during World War II, which are now housed in the Grabar Institute in Moscow and in Nizhny Novgorod.

Over one hundred artworks have been examined to date and a Hungarian origin for their majority has been established. After the war, the Hungarian artworks in the Grabar Institute were taken to Nizhny Novgorod; in 1957 they were taken back to the Grabar Institute for restoration. Quite a few of these extremely valuable artworks (including paintings by Tintoretto, El Greco, Goya and Manet) have been exhibited in Moscow over the past few years. Between August 31st and November 25th, 1996, thirty-one artworks of Hungarian origin (paintings and statues) were exhibited in Nizhny Novgorod. According to information from Russian authorities these artworks have since been returned to the Grabar Institute. Four of the valuable paintings, however, were earlier retained by the Pushkin Museum.

Major advances can be expected in the research of artworks seized from Hungary during World War II since the documents in the central archives of the Financial Institute in Budapest have become accessible to scholars. The greater part of various private collections, deposited in various Budapest banks during the war, were seized by special units of the Red Army.

István Fodor, Magyar Nemzeti Museum, Budapest

## Luxembourg

At the end of 1996 we think that we should take a look back at what has been achieved since we first met in Bremen. We consider that a lot of work has been done, even we believe that we have arrived at a sort of dead point. The first investigations in archives have brought some material for the documentation on lost works of art, but now it seems that it is becoming more and more difficult to go further and find valuable hints. Nevertheless the documentation grows slowly and we hope that we can reach the point where it will be worth publishing it. Unfortunately we are still waiting for more precise information from Russia. But the archives in Luxembourg too, have not yet shown all their secrets and research must go on. In this context the Prime Minister of Luxembourg has decided to create a Documentation Centre on World War II so that all the information pertaining to these questions may be centralized. The undersigned will be in charge of this Documentation Centre from September 15th, 1997. Of course research on spoils of war will only be one of his tasks.

Once more we would like to insist on the very valuable international contacts we have been able to make in the last few years. We hope that the cooperation between Luxembourg, Belgium, the Netherlands and France will go on and will produce the positive results it deserves. We think that the countries that have been the victims of the German Occupation should not be treated nowadays in the same way as is Germany itself. It is somehow surprising to see that despite a very good cooperation of all the countries that suffered losses in works of art, some politicians try to have a special treatment just because they are ready to pay more than others can do.

The question of spoils of war should find a solution in mutual discussions on a basis of fairness and trust. This has been the case during the last few years and we hope that it will continue.

Paul Dostert, Historian, Ministry of Culture, Luxembourg

## Poland

In the latest months the Governmental Plenipotentiary's Office work focused on registration of war losses sustained mainly by the Catholic Church and private persons as well as on broadly scaled inquiries in photographic collections with a view to obtaining photographs of the items searched for. As regards the losses suffered by museums or collections of museum character it may be said that we have obtained about 80-85% of the data (taking into account the museums from which, following preliminary reconnaissance, we had expected to receive this information).

An investigation was undertaken of the system and scale of the sacral art robberies committed in the so-called lands incorporated into the Reich and, in particular, in the "Reichsgau Wartheland" (Warta River Land) which was administratively the largest incorporated territory. This was done partly because of two very precious losses: two 16th-century triptychs which were robbed by the Germans from the territory of the Wielkopolska region and until now deemed lost. For the use of the Governmental Plenipotentiary's Office, which handles this investigation, a study was devoted to the Catholic Church losses in the Wielkopolska region covering 300 localities in the area of Poznan diocese, which suffered losses in sacral art.

The first institution set up by the Germans to sequester the property including but not restricted to the Catholic Church was the "Haupttreuhandstelle Ost" (HTO, Chief Trust Office-East) which was established by Hermann Göring and which had its seat in Berlin. Its Poznan chief was Hans Schleif, a well-known professor from Rostock. Sequestration originally included first and foremost the buildings belonging to religious organizations although interior appointments or religious objects were not disregarded either. Another German organization which committed regular robbery under cover of scientific research was "Das Ahnenerbe" (Heritage of the Ancestors) - Heinrich Himmler's brainchild set up in December 1939. To complete the picture one should mention the organizations of territorial administration, police (mainly the Gestapo), military police and "Schutzpolizei" (Security Police).

The losses in sacral art in the territory of the historic Wielkopolska region can be rated as very high. That was (next to the large size of the region) due to concentration of a huge number of works of high artistic value and the system of especially hostile policy with regard to Polish religious organizations pursued by the German authorities and targeted at the complete liquidation of Polish churches in the territory. By the middle of 1944, that policy resulted in the closing of about 1,300 churches and chapels of which the Nazi authorities earmarked almost 500 to be used as warehouses which contributed indirectly to the destruction of many interiors.

Works of art robbed from places of worship in villages and those in small localities were in most cases transported to bigger towns (e.g. the county towns) to the so-called depositories and from there to the Reich. It's worth noticing that the largest depository, mainly for sacral art objects, was situated in the Cathedral of Poznan.

Only some of the works of art robbed from the places of worship in the Wielkopolska region have been recovered as a result of the vindication procedure. In 1946 Poland received a certain quantity of items from Moscow, in 1947 and 1949 from Berlin, in 1948 from the British and in 1949 from the American Occupation Zone and, finally, in 1961 from the GDR. The period was closed, for the time being, in 1989 when Poland recovered 16th-century bronze tomb plates from the Nuremberg workshop of Peter Vischer robbed by Germans from Poznan and Szamotuly and discovered in St. Petersburg in store rooms of the Hermitage.

Discovery of the two aforementioned triptychs, both of them robbed from the Wielkopolska territory (one directly from the church, the other from the Diocesan Museum) in 1941 and both now stored in one place can be an interesting trail for future research. The first of them, dating back to the beginning of the 16th century is a leading work of the Wielkopolska regional painting with a marvellous Ascension scene on the central panel and the figures of the saints on the side panels. The other are only the triptych's side panels of the Annunciation triptych from the same period whose central panel is in a Polish museum. Negotiations on returning both works of art to Poland are in progress and one may expect they will be successfully.

Yet another round of bilateral Polish-Russian experts commission on the works of art removed as a result of the war into the territory of another state was held in the beginning of July 1996, in Warsaw. It allowed the exchange of information on the archives pertaining to the war-time robberies as well as to the post-war vindication operation. Polish experts handed over photographs of paintings, discovered in Warsaw archives, considered by the Russians as lost. The parties exchanged the information on the paintings which as result of the war and the post-war translocations landed in the territory of another state. Expert appraisal of a painting from the renowned Warsaw museum stored in Russia has been already made and corroborated the origin of the canvas. In the forthcoming weeks Russian experts will arrive in Poland to examine the painting from one of the palaces in the vicinity of St. Petersburg.

With regard to the current work of the Governmental Plenipotentiary Office, it should be noted that the catalogue of losses of ancient art is completed. This extensively illustrated work will be published in its preliminary version in the first half of 1997 and the year after in the final version.

Monika Kuhnke, Office of the Commissioner  
for the Polish Cultural Heritage Abroad, Warsaw

The Netherlands

There has been no progress in the case of the 307 Koenigs drawings from the Netherlands now in the Pushkin museum or in the search for the other 182 still unlocated drawings.

Nevertheless, a few months ago, another restitution did take place. A missing portrait by the 17th-century painter Govaert Flinck turned up in a Canadian private collection. The painting, a portrait of the mayor of Amsterdam, Abraham Boom, was lost from the Netherlands during the German occupation but was found again in Germany directly after the war and deposited at the Allied Collecting Point in Munich. It was stolen from there in autumn 1945 and its location was unknown until it reappeared in Canada. It has been registered in the inventory of state owned objects under number NK3587 and will be given on longterm-loan to an Amsterdam museum.

The Mauerbach case, in which the Netherlands originally filed a claim on 59 paintings which was unsuccessful because the Austrian court accepted claims by natural persons only, will be closed with a symbolic gesture concerning a painting by A. Engel. This 19th-century landscape was voluntarily sold by a Dutch art dealer during the German occupation. Since voluntary sales had been declared illegal by the Netherlands' government in exile, ownership of this painting, which was missing after the war, fell to the state. The Austrian Jewish community and the state of the Netherlands will present this painting to the Israel Museum in Jerusalem. It will be put on display with a text explaining the provenance so that it will serve as a reminder of the fate and history of works of art during the war.

Josefine Leistra, Inspectorate of Cultural Heritage, The Hague

## Archival Reports

### Plundering of Jewish Assets During the Second World War

As known, the horrors of the Second World War were accompanied by the greatest plunder in the history of the world. Confining ourselves to the Netherlands, we would have to conclude that the Jewish community was the most affected by German rapacity. Up to this day, there has been little research with respect to the actual dimensions of the Nazi theft in the Netherlands and the manner in which it was carried out. This is true to an even greater extent of the way the occupier converted his loot into cash.

My research has been conducted at various archives in the Netherlands as well as abroad and has been focused primarily on the looting of assets (stocks, bonds, and the like), which is not to say that the archival materials concerning the looting of precious gems and metals, books, stamp collections, life insurance policies, works of art etc. have been ignored, where I happened to come across them.

What stocks on the one hand and jewels and such on the other have in common is that they were confiscated by the same agency (Lippmann & Rosenthal & Co.). Jewish real estate and businesses were either liquidated, placed under "Verwaltung"

(administration) or sold to third parties. During the years 1940-45 the Jewish community in Holland was robbed of approximately 700 million Hfl. Around half of this total (350 million Hfl.) consisted of securities, of which about 250 million Hfl. was eventually traded. (To convert to the present day value, multiply by a factor of 10.)

On the basis of "Verordnung" (Decree) 148/41, Jewish compatriots in August 1941 were forced to hand over their securities, cash and bank holdings to Lippmann, Rosenthal & Co. (hereafter LiRo), a bank in Amsterdam specifically created for this purpose, which then would turn over the proceeds to the "Vermögensverwaltungs- und Rentenanstalt" (VVRA, Office of Property Administration and Pensions), the German central institute that administered the enormous loot. The Germans deliberately used the name of an old established and renowned Jewish bank in order to make their victims believe that their possessions were safe in the vaults of this alleged Jewish banking house. All Dutch Jewish citizens were compelled to open an account with LiRo and to transfer their bank balances to this LiRo account under German supervision.

In May 1942, Decree 58/42 coerced the Jewish citizens to hand in their art objects, precious metals and jewels to LiRo. Apart from "Verordnungen", the Germans also used the "Devisenschutzkommandos" (Foreign Exchange Protection Commands) to seize Jewish assets. After the greatest part of Jewish stock holdings had been confiscated, the problem arose of how to sell the loot. The occupier was guilty of theft and the new owners could therefore be accused of receiving stolen goods.

The Allies and the Netherlands government in exile (in London) had already warned about this early on; the exiled Dutch government already as early as June 7th, 1940. In order, therefore, to circumvent accusations of receiving stolen goods, the securities were provided with a special so-called bona fide declaration (which was supposed to show that the original Jewish owner had 'voluntarily' parted with his assets), after which they were sold. The main channel through which the stocks were sold was the Amsterdam Stock Exchange. Assets were also sold to the neutral countries and to Germany, whether or not within the framework of the so-called "Kapitalverflechtung" (capital interlocking).

The assets LiRo offered on the Amsterdam Stock Exchange went rapidly, in the beginning still with, but in a later phase also without, bona fide declarations. The buyers claimed not to know that the Jewish securities were stolen, but in fact it was well-known that the stock offerings from LiRo were 'tainted'. As extenuating circumstance, the members of the Amsterdam Stock Exchange cited the belief that since the expropriation of Jewish stocks was inevitable anyway, it had better take place in Holland rather than abroad, facilitating their eventual post-war recuperation.

Otto Rebholz, a former German citizen who became a naturalized Dutchman in 1932 and was owner of "Rebholz Bankierskantoor", has been portrayed as the worst collaborator among the collaborating stock brokers. The question arises if his colleagues have not singled out this banker of German origin as scapegoat. Of the 350 million Hfl. in Jewish stocks eventually sold for an amount of 250 million Hfl. approximately

30 million Hfl. can be charged to Rebholz. The 100 million difference was used on behalf of the Jews, either to pay off their outstanding debts, or for their 'maintenance' (approximately 25 million Hfl. for the construction and operations of the concentration/transit camps in Westerbork and Vught), or through the return of unsold stocks. Another part was used to cover the costs of agencies such as LiRo and VVRA. In sum, approximately 222 million Hfl. was not traded via Rebholz.

From 1942, Rebholz converted the Swiss, French and Portuguese stocks deposited with LiRo into cash. The foreign exchange thus acquired (in France the settlement was in part in Portuguese escudos) was for the most part used to purchase the raw materials necessary for conducting the war. Escudos were important because Germany obtained important raw materials and goods from Portugal.

Prompted by A. Bühler, the German "Beauftragte" (Commissioner) at the "Nederlandsche Bank" (Central Bank of the Netherlands), Rebholz began his sales activities in Switzerland at the end of March 1943. When the British and Americans got wind of these transactions through their respective embassies in Bern and threatened the banks with placing them on the feared 'black list', these activities ceased in some cases but in others were again camouflaged or removed to Liechtenstein.

There were also occasions on which German banking establishments sold the stocks obtained from LiRo to Portugal via Switzerland or directly to the Swiss. Another part of the LiRo stocks found their way to Portugal and Spain. Moreover, through Bühler millions in securities were made available to various agencies and war industries in the Third Reich whose activities created a special need for foreign exchange. In September 1944 Bühler had the valuable remainder of foreign stocks that had not yet been sold - worth around Hfl. 12,000,000 - shipped to Berlin. The Germans still managed to trade a small part thereof, the rest was probably seized by the Soviets and sold.

The sale of stolen Jewish stocks to other countries continued even after the liberation. These concerned paper assets which had been illegally acquired during the war, by way of the black market or without bona fide declarations. Before the stock registration became law (in the interest of recuperation, all stocks present in the Netherlands had to be reported), all these assets had to be transferred to foreign countries where the registration regulations were considerably less stringent.

The post-war restoration of rights, carried out by the various institutions of the Council for Rehabilitation ("Raad voor het Rechtsherstel") has been a long, laborious and often painful process. The plunder institutes (LiRo, VVRA etc.) had to be liquidated and the goods, shares, objects of art, jewellery etc. had to be returned to their rightful owners. But about 75 percent of the Dutch Jews (ca 107,000 persons) had perished in the Nazi death camps and complete families never returned. Moreover, the exact dates of death were in most cases unknown. Consequently death certificates (the laws with respect to transfer of property by inheritance requested such certificates) could not be issued. A special law of 1949 solved that problem.

All those problems, added to the fact that large parts of the administration of LiRo and other looting institutions had been destroyed or simply were missing, have made the



restoration of rights an extremely difficult matter. It became even more complicated because LiRo since 1943, assuming that their 'clients' would never return, had cancelled all private accounts and put them together on one collective account ("Sammelkonto").

The Securities Registration Department of the Rehabilitation Council was abolished only in October 1971. Many victims of the Holocaust have been dissatisfied with the postwar restoration of rights. My study, that will comprehend both the looting and the postwar restoration of right of the Netherlands Jews, hopes also to give an answer to the question in how far that feeling of dissatisfaction was justified.

The research for my book is carried out under the wings of the Netherlands State Institute for War Documentation ("Rijksinstituut voor Oorlogsdocumentatie", RIOD). The institute houses various archives and a library (including visual material) about the Second World War and its run-up and aftermath.

Gerard Aalders, Department of Research, The Netherlands  
State Institute for War Documentation, Amsterdam

### "Kommando Paulsen". October - December 1939

In the ongoing research concerning losses of Polish cultural goods during World War II an increasing role is played by searches carried out in German archives that were run by occupational offices or central authorities of the Third Reich. The research does not so much permit the estimation of the size of losses - the deeply falsified language of the official documents helped to hide what was most important, namely the fact of planned destruction of cultural goods - as to study the mechanisms and motivation behind operations that were clearly aimed against the culture of the conquered countries. The declassification of files of the former GDR opens up new possibilities in this respect, though it will probably still take some time before the archival resources referring to that period are finally put in order. For example, it is not clear what happened to the archives of the Reich's Main Security Office ("Reichssicherheitshauptamt", RSHA), i.e. the office which plundered works of art and entire libraries in the occupied countries and took them away to Berlin. A major part of the archives is held in the "Bundesarchiv, Sammlungen Potsdam" (Federal Archives, Collections Potsdam), whereas various parts have been found in other countries and cities, e.g. in the Special Archives in Moscow.

Accidentally one of such parts has been found in Poland. Under circumstances that remain unknown the Special Archives passed 13 cases of RSHA documents to the State Archives in Warsaw. In return the Warsaw Archives handed these documents over to the GDR archives in 1964, probably to the Marx and Engels Institute. Notwithstanding, even on the basis of these scanty sources some facts, previously unknown, were revealed. One of the cases contained documents referring to the seizure, stock taking and transport of Polish cultural goods, mainly libraries, to Berlin from 1939 to 1942.

An active part in this operation was played by a division, known by the name of its commander, professor of prehistory at the University of Berlin, Peter Paulsen, i. e. "Kommando Paulsen". The division was formed upon the initiative of a research institution of the SS Scientific and Research Community Heritage of the Ancestors ("Das Ahnenerbe"). Initially, the division's task was to deal with prehistoric excavations and monuments in Poland to obtain material necessary to produce an argument that the lands inhabited by Poles were once populated by German tribes. Reichsführer SS, and at the same time the President of "Das Ahnenerbe", Heinrich Himmler made the division report directly to the chief of the RSHA, Heinrich Heydrich. The RSHA sent the "Kommando" to Poland with more radical commands to rob works of art and bring them to Berlin. The first loot of the "Kommando" was the altar by Wit Stwosz (Veit Stoss) from St. Mary's Church in Cracow brought by Paulsen to Berlin on October 14th, 1939. However, the authorities of the General Government opposed to further pillage of historical works of art. A severe conflict developed between the headquarters of the SS in Berlin and local occupation authorities, also on territories incorporated into the Third Reich. The winners in this conflict were governor Hans Frank and the "Gauleiter" in the incorporated lands. The official and organized operation of plundering works of art and libraries was stopped, and reappeared in another situation with the nearing Eastern front in the years 1944-45. "Kommando Paulsen" came back to send to Berlin collections of, mainly, libraries that were classified as 'political'. The total number of robbed volumes was in the range of 200,000. That figure included also the whole Library of the Sejm and Senate (78,000 volumes) taken to Berlin to the RSHA headquarters. Its collections, together with collections from other countries, formed the basis for the later established main RSHA library.

After the war, only a part of the Sejm Library collections (ca 6,8%) returned to Warsaw, though in a roundabout way, through the Czech Sudeten mountains, where in the years 1943-1945 part of the RSHA library collections were deposited in a castle. The principal part of the Warsaw collections stayed in the basement of the RSHA building until May 1945. Notwithstanding, they were not returned to Poland. We have not yet found an answer to the question where the pre-war Sejm Library collections are kept if they survived as a complete collection at all. Probably the only hope to solve this riddle is hidden in the new possibilities that will emerge through the consolidation of German archives.

Andrzej Mezynski, Librarian, Library of the Sejm, Warsaw

## Russian Archival Material in Munich

Researchers of the spoils of war who are planning to work in Russian archives now can work in more comfort. The "Bayerische Staatsbibliothek" (Bavarian State Library) in Munich purchased archival material from Russia. There are 2,000 microfilms and microfiches from the Russian Archives Project of the Californian Hoover Institution, the State Archives Services of the Russian Federation and the publishing house Chadwyck-Healy. The project team planned to microfilm about 25,000

spools, but the Russian side cancelled the project in January 1996. Nevertheless, the already microfilmed files are on the market. The Munich files are part of the previous Central Party Archive, the previous Archive of the Central Committee and the State Archive of the Russian Federation (GARF). Furthermore there are documents of the People's Commissariat of Internal Affairs (NKWD).

Probably all of the files could give information on the fate of the German cultural properties confiscated by the Soviets after World War II as well as on the fate of the cultural treasures that were returned to the Soviet Union by the Americans as a considerable act of restitution after the war.

Finally there are files of other provenances. Above all the famous Smolensk Party Archive must be mentioned which the Nazis had taken in 1941 and which ended up in the United States. Last but not least, one can also find very many files from the British Foreign Office and the US-State Department about Russian inner affairs until 1948.<sup>1</sup>

Andreas Grenzer, Historian, Oldenburg

#### Notes:

<sup>1</sup>For the complete list of files, see Freddy Litten: *Britische, amerikanische und russische Aktenpublikationen zu Osteuropa im neunzehnten und zwanzigsten Jahrhundert - Ein Führer zu Mikrofilmbeständen der Bayerischen Staatsbibliothek.* (=Mitteilungen des Osteuropa-Institut München. No. 9). You can order the list from: Osteuropa-Institut München, Scheinerstr. 11, 81679 München.

### International Archives for the Women's Movement (IAV)

In 1935 the International Archives for the Women's Movement (IAV) in Amsterdam was founded by three Dutch feminists: Rosa Manus (1881-1943), Johanna Naber (1859-1941) and Willemijn Posthumus-van der Goot (1897-1989). The goal of the IAV was to promote the knowledge and scientific study of the women's movement in the broadest sense of the word. The three women wanted to establish a center in which the cultural heritage of women would be collected and preserved.

The beginning years of the IAV were prosperous. Rosa Manus donated the books and papers of Aletta Jacobs, the first woman medical doctor in the Netherlands and the leader of the Dutch women suffrage movement, who had died in 1929. Rosa Manus was the first president of the IAV. She succeeded in obtaining very important material by using her many national and international connections. The IAV published a yearbook in 1937 and in 1938. By 1940 around 4000 books had been collected, as well as several archives, many pictures and periodicals.

There came an abrupt end to this flourishing beginning of the IAV. On July 2nd, 1940, less than two months after the Germans occupied the Netherlands, the German "Sicherheitsdienst" (Security Service) knocked on the door of the IAV, told the two women who were present to leave, and sealed the door. Several days later the Nazis removed the complete content of the IAV to Germany: all the books and archives, even the curtains and furniture were taken away. This happened only weeks after Rosa Manus had brought the valuable papers she had received and collected

during the more than 30 years she had been active in the women's and peace movement.

Charlotte Matthes, the IAV-treasurer at the time, immediately protested against the confiscation. The reason the Germans had for closing the IAV was that it was an international organization. And because its name began with an A, it was one of the first to be closed. They explained their action as follows: "Die deutschen Frauen haben es sich gewünscht" (the German women wanted it).

After the war all possible efforts were made to trace and retrieve the stolen property. The many contacts with women and women's organizations in Germany and Eastern Europe were used to find out the whereabouts of the books and archives, but in vain. There were only two minor successes. Thanks to Graswinckel, a member of the committee for the recuperation of goods from Germany, the IAV regained a tenth of its possessions in 1947. In 1966 Ivo Krikava, librarian in Hradec Králové in Czechoslovakia, discovered four books, which had the stamp of the IAV in them. He sent them back. After that, there was no news.

And then suddenly, more than fifty years after the theft, in January 1992 there was a small announcement in a Dutch newspaper, made by the Dutch historian Marc Jansen. He had visited the Osobyi Archive in Moscow where he had discovered archives from Dutch organizations and persons. Among the collections there were 25 boxes containing (some of) the lost archives of the International Archives for the Women's Movement. After the many fruitless attempts to retrieve our material, the news about this discovery seemed like a miracle to us.

At first it looked as if the Dutch archives would soon be returned to their home country. The Dutch state archivist Ketelaar visited his colleague in Moscow and signed an agreement. But since then many months went by and nothing happened. In February 1994, Mineke Bosch and Myriam Everard, both researchers in women's history, decided not to wait any longer. They went to Moscow to see the archives of the IAV themselves. They only had a few days, but that was enough time to go through all the boxes superficially. The boxes contain a lot of interesting material, such as the early archives of the IAV itself and something as unique as an album offered in 1906 to Aletta Jacobs by Hungarian suffragettes.

When it became clear that the IAV archives would not be returned shortly, the International Institute for Social History in Amsterdam was kind enough to have all the papers put on microfilm, for which we are enormously grateful (33,663 shots on 14 films). The films made it clear that the papers were not filed in any logical order. Thanks to a grant from the government we could make prints from the films: almost 35,000 copies. The pre-1940 international women's movement came back to life. A good deal of the papers and photographs were indeed from Rosa Manus, but also from other feminists as Jacobs and To Bouwmeester. There were records from organizations like the Dutch Association for Woman's Suffrage and the Business and Professional Women.

At least remarkable is the fact that among the IAV-archives there were documents which do not belong to us, such as letters from the publisher Albert de Lange, min-

utes from the Synagoge in Amsterdam, and documents in German and French. It seems as if many stolen archives were mixed up at some point during the transport or storing. Of course, this could also imply that another part of the IAV-archives will be retraced sooner or later. Let us hope that the latter will happen, and that the 4,000 books and periodicals that are still lost will be recovered as well.

Annette Mevis, Archivist, International Archives  
for the Women's Movement, Amsterdam

## Restitutions

### A Splendid Gesture. Chronology of a Restitution

#### Part I

At the end of 1995, "Die Deutsche Bibliothek" (The German Library) received the news from the Ministry of the Interior that in the Georgian Republic so-called 'trophy books' had turned up, which had been taken by the Red Army in 1946. It was known to us from research that in the 50's and 60's these 'trophy books' had been distributed within the former Soviet Union to various cities and even various Soviet republics. This message from the Ministry of the Interior was accompanied by a request to send experts to Tbilisi to survey the collection. We were informed that the collection was held in the Academy of Sciences of the Georgian Republic and that the Georgian government intended to return the books to Germany.

On January 22nd, 1996 two library experts from Frankfurt a.M. travelled to Georgia. In the library we were received by the Director Nodar Gurgenidse and the Secretary of the Academy of Letters M. Zizeschwili. After a very warm welcome M. Zizeschwili gave an account of the circumstances under which the books arrived in the library of the Academy in the 50's. He told us that he was a young man at the time and that he can still recall the event. One morning some lorries sent by the State Fund for Literature had driven up. It was raining and the books had simply been thrown onto the load areas of the lorries; they were neither stacked nor protected by a hood and were in a most deplorable condition. M. Zizeschwili reassured us that nobody in Tbilisi had asked the State Fund for these books. Nodar Gurgenidse, the library director added: "We never have considered these books as our property: we could recognize their origin from the library stamps and always have been of the opinion that they should be returned to their owners. We then deposited the books in the cellars, even though there was very little space for them." In the course of the years, the books were re-stacked various times, but they did survive the years of the Cold War. Nodar Gurgenidse added: "When we then regained our independence we expressed our opinion that the moment had come to repatriate the books. Our government took up this idea and as a result we are meeting here".

The German experts inspected the collection. It soon became clear that it was a rather heterogeneous but interesting collection. The collection was examined on a

random basis. It was estimated that it contained around 100,000 books. It became obvious that the books mainly came from the municipal libraries of Bremen, Magdeburg, Lübeck and Hamburg, the University Library Leipzig, the Prussian State Library, and some other libraries. The first assessment was that the books originated from the 17th to the 20th century and covered diverse areas of knowledge. The books still were in a satisfactory condition considering that they were stored in a cellar for half a century. Even through a random selection it was possible to discover some real treasures. A Luther print of the year 1523 originating from the Lübeck Library was found. The Georgian colleagues went through the greatest possible trouble to assist us in every way.

As the German Minister of Foreign Affairs was visiting Tbilisi at the same time the subject of the restitution of the books was touched at the negotiations with President Eduard Schewardnadse. Restitution to Germany was agreed upon as a matter of principle. The details were to be elaborated at a further meeting between Georgian and German library experts.

In May 1996 the restitution project entered a new phase. After concrete agreements had been achieved through the channels of foreign policy and the Federal Government and the States agreed upon the financial aspects of the restitution the Director-General of "Die Deutsche Bibliothek", Klaus-Dieter Lehmann, had travelled to Tbilisi to negotiate the procedures of the restitution with the Culture Department of the Georgian Foreign Ministry. The negotiations with the Culture Department and the Central Library of the Academy of Sciences took a successful course. The Director of the Culture Department Zviad Chamburidse and Klaus-Dieter Lehmann agreed upon the most important procedures and the framework for the restitution. Besides the collections in the library of the Academy, further 'trophy books' had now also turned up in the High School for Foreign Languages Ilia Tshavtshavadse. The director of the High School for Foreign Languages declared spontaneously his readiness to participate in the restitution of the collections in his library. In the face of the modest conditions in which we found the Georgian library system, this gesture of the Georgian librarians appeared to be more than generous to us. At our visit we became convinced that the Georgian libraries were struggling for their survival. Our experience has led us to campaign for solidarity and financial assistance in Germany for the Georgian library system.

Back in Germany we immediately worked out the technical details of the restitution. We achieved the participation of two colleagues from the "Staatsbibliothek zu Berlin" (State Library of Berlin) for the instruction and coordination of packaging and transportation on the spot. The actual transportation of the books was to be carried out by ship in 40-foot-containers. Transport by land was rejected due to the various crossings of borders and the customs problems that might be encountered. For the transportation we found a Frankfurt haulage contractor. At the beginning of July the two librarians from Berlin and the haulage contractor travelled to Georgia in order to put the restitution plans into effect.

First a container with packaging material was sent to Tbilisi. Under extremely unfavourable conditions - such as heat of 40°C - our two German colleagues worked with around twenty Georgian librarians and managed to pack 96,000 volumes into 1,274 boxes and stack them into three 40-foot-containers. On the last day of the stay of our German colleagues a third Georgian library, the Education Science Library handed over 'trophy books' for restitution, too.



Cleaning of the books from Georgia in the State Library in Berlin

Our colleagues received all support possible from the Georgian side, but they had to cope with many difficulties from language problems to negotiations with the local customs authorities. It was a big challenge for librarians who are normally occupied with classifying and cataloguing books. Our colleagues managed this task with a lot of tact, sensitivity, and high personal commitment.

The containers reached the State Library Berlin at the end of August 1996. The Federation and the States, i.e. the libraries involved, agreed to first take the books to Berlin to be cleaned and sorted there, before they could be returned to their original owners. In a reserve depot of the library the books have been subjected to a thorough processing, cleansing, sorting out and repackaging. As agreed upon a copy of every title page will be handed over to the Georgian side.

At the same time the "Staats- und Universitätsbibliothek Bremen" (State and University Library Bremen) initiated a large solidarity campaign for the Georgian libraries. German libraries were asked for specific equipment for libraries in Georgia. This campaign received good response. At the beginning of December two 40-foot-containers departed for Georgia, loaded with equipment from catalogue cabinets to microfiche-reading-machines. In the beginning of 1997 a second consignment will follow.

The first inspection of the collection undertaken in Germany not only confirmed the first evaluation of the books found in Tbilisi but also surpassed expectations. The main beneficiaries of the restitution are the "Staats- und Universitätsbibliothek Bremen" and the "Stadtbibliothek Magdeburg" (Town Library Magdeburg), with lesser shares for the Library of the Hanseatic town Lübeck, the University Library Leipzig, the "Deutsche Akademie der Naturforscher Leopoldina" (German Academy of Natural Scientists Leopoldina) in Halle, the State and University Library Hamburg, the State Library Berlin and the Gleimhaus (Gleimhouse) in Halberstadt. Furthermore, there are more than 100 other provenances indicated for small shares. Numerous private provenances are also part of the collection, and clarifying their ownership will surely raise some problems. Among the already assorted collections some real treasures were found, for instance two Luther prints belonging to Lübeck, a music incunabula belonging to Hamburg, and books from Schiller's reference library.

All these treasures were presented at a ceremony in the State Library Berlin in the presence of the Minister of Foreign Affairs Klaus Kinkel, the Georgian Ambassador Konstantin Gabaschwili, and the State Secretary Klaus Faber, representative of the

German states, at the occasion of the restitution. Representatives of the Federal Government, the States and especially of the libraries expressed their profound gratitude for this splendid altruistic gesture. The Georgian Ambassador emphasized again the attitude of the Georgian Republic to the so-called "trophy art". Konstantin Gabaschwili declared that the cultural goods should be returned to the places from which they were taken - without stipulating any conditions. He again emphasized the position of the Georgian government which had already been established in the Bilateral Cultural Treaty between Germany and Georgia.

The three Georgian colleagues, among them Nodar Gurgenidse and Juri Mosidse, who had been especially committed to the restitution, had the opportunity to convince themselves personally of the sincere gratitude of the German library world, when they went on a two week working trip through Germany. They were able to make some professional friendships and to conclude some bilateral agreements with German libraries. We will endeavour to bring Georgia's libraries closer to Europe and go through the greatest possible trouble to give assistance to them. The Federal Republic will not forget Georgia's splendid gesture.

Despite of the great delight about the successful restitution there also remains a bitter aftertaste. In our research into the destiny of the German 'trophy books' we always assumed that only those books which were not part of the most valuable collections were allocated by the so-called State Fund within the Soviet Union. After recent examination of various relevant documents in Russian Archives, though, it is obvious that the State Fund was totally strained of its work in the last years (in the mid 50's this institution was closed down). The millions of books from Germany could no longer be distributed in any sensible way. Russian libraries had no need for regionally coloured German writings; the knowledge of Gothic letter was very limited, and Soviet libraries suffered from a lack of storage place. Therefore one obviously got rid of the books by allocating them half-heartedly to newly founded libraries irrespective of whether libraries needed German books or not. The work of the State Fund had become too expensive. The 'trophy books' had become a burden. The collection in Tbilisi is an example of this development. However, we have to keep in mind that our books in Tbilisi enjoyed a rather favourable treatment. The cellar was dark and dry, the books were able to survive. The big question is whether and where are more of such collections stacked away within or around the former Soviet Union. It is obvious from the documents that there must be more such places. How many of them enjoyed such favourable conditions as the books of Tbilisi did? How many have already decayed, and how many are still going to waste away?

Ingo Kolasa, The German Library, Frankfurt a.M.

This text was translated by Margret Dick

## Part II

When - in the late 50's - we discovered the valuable book collections we immediately thought to return the books to the rightful owners. The German saying "Unrecht Gut gedeiht nicht" (unlawful possessions bring bad luck) has its Georgian



equivalent in: "Was dir nicht gehört, das wird dir auch nicht schmecken" (those things which don't belong to you won't taste good). Georgia has done the deed which it should have already done long ago, but which was impossible during the communist totalitarianism. To capture booty does not range among the worst violations, in this case compensation is possible - but this is not possible in cases of greater sins such as taking human lives.

I believe one should not politicize our actions too much. The more progressive circles of Russia articulated their appreciation of our venture. In a Russian television show it was even said that this undertaking gives an example to Russia. In another television show, though, we were accused of betrayal; it was added that, in any case, we would not have any use for the precious books and that we were secretly making a profit by it. In the name of the staff of our institute I want to stress the following: Georgia has always been and always will be orientated towards Western Europe. For over one and a half centuries Swabian immigrants lived in Georgia and we are aware of their cultural contributions. Today about 3,000 highly qualified German specialists are working in Georgia. Better than most television journalists, these specialists know how to handle the precious books. Concerning the assumption we would do a deal with the books, we would like to emphasize that such a behaviour does not comply with our mentality.

We were very happy to see the German specialists inspecting and restoring the books with great dedication. It only supported our belief that the decision of my country was rather a moral than a political one.

Juri Mosidse, Rector of the State Academy  
for Western European Languages and Cultures, Tbilisi

### Archives Concerning the Belgian Military Justice Restituted by the "Bundesarchiv" to Belgium

In May of this year the German "Bundesarchiv" restituted twelve volumes with judgements of the Belgian Councils of War. These documents were discovered at the German Ministry of Foreign Affairs.

The twelve books contain the following judgements:

1. Judgements from the Council of War of the occupation army in Aachen, from 7.11.1919 to 29.12.1919 (nos. 152-318, 1 volume)  
Ditto, from 14.01.1920 to 25.11.1920 (nos. 1-875, 4 volumes)  
Ditto, from 4.01.1923 to 08.03.1923 (nos. 1-205, 1 volume)
2. Judgements from the Council of War of the 4th occupation army in Aken, from 7.01.1920 to 22.12.1920 (1 volume)
3. Judgements from the Council of War of Antwerp-Limburg, from 1.04.1925 to 30.12.1925 (nos. 128-439, 2 volumes)
4. Judgements from the Council of War of East Flanders, from 1925 (1 volume)
5. Judgements from the Council of War of Brabant, from 1925 (1 volume)
6. Judgements from the Council of War of Hainaut, from 1925 (1 volume)

The main question is how these documents came in the possession of the Ministry of Foreign Affairs. One could suppose that one part (nos. 1 and 2) of these archives, concerning the occupation of the Belgian army in Germany, had been 'forgotten' afterwards. This theory does not do for the other half of the documents (nos. 3 to 6), which deal with military judgements.

These documents were in all likelihood taken in the beginning or during the Second World War by national socialist organizations. In the case of no. 1 and no. 2 it seems logical, because the documents are about infractions in Germany and the question arises whether these archives are complete or not. Maybe the dates were misleading and one saw the judgements in correspondance with the Belgian occupation of the Ruhr region in 1924-1925?

In any case the restitution of these volumes fills in some gaps in the archives of Belgian military justice. One can hope that this will be the start of further restitution of Belgian military archives, most of which are kept in the Russian Federation.

The restituted volumes are momentarily in the Royal Museum of the Army in Brussels and will shortly be transferred to the General State Archives of Belgium ("Het Algemeen Rijksarchief"). (The military judgements are the responsibility of the Ministry of Justice and their archives therefore must be legally deposited in the State Archives).

Richard Boijen, Archivist,  
Royal Museum of the Army, Brussels

## The Return of Ivory Sculptures to Germany

The files and the recent publication on the return of five ivory sculptures to the "Hessisches Landesmuseum Darmstadt" (Hesse State Museum, Darmstadt)<sup>1</sup> give evidence as much of an adventure as of a success story. This leads to the question of the heart of the matter: Which factors contributed to the discovery and return in 1993 and 1994 of a number of medieval ivories which had been missing for several decades?

In 1805 Baron von Hüpsch left his "Kunst und Naturalienkabinett" (Cabinet of Art and Curiosities) to the Hessian Landgraf Ludwig X. The museum opening in 1815 was founded on these important collections together with those of Landgraf Ludwig X. Among the Hüpsch collection were the five apostle reliefs (probably depicting Jacob, John, Matthew, Philip and Simon) and the symbols of the four evangelists (man, lion, bull, eagle). These valuable 12th-century ivory sculptures were exhibited since the new museum premises opened at the beginning of this century.

Four decades later, on September 11th, 1944, the museum was destroyed by bombardments. In August and September 1943, however, the most precious collections of the museum had already been evacuated to Bavaria. Paintings, prints, sculptures, and furniture were stored at castle Rauhenzell near Immenstadt. Together with other medieval treasures, the apostles of the former Baron Hüpsch's collection had survived the bombing of 1944 in the air-raid shelter of the museum. On December

17th, 1944, they also arrived at castle Rauhenzell. By then, the first floor intended for the collections from Darmstadt was already overcrowded. Therefore the boxes, including box no. 17 with some smaller reliquaries and the ivory reliefs, had to be put near the entrance of the floor; this meant within easy reach for anybody. About the small "Turris reliquary" containing the ivories it was even said it could be opened "as easily as a sugar bowl".

On April 30th, 1945 the "2ème Division d'Infanterie Marocaine" (2nd Moroccan Infantry Division) of the French troops occupied Immenstadt and stayed until July 7th, 1945. Its officers moved into the nearby castle Rauhenzell. Today it is impossible to reconstruct with certainty whether the thefts of the medieval ivory plates of box no. 17 took place during one of their legendary parties. They might as well have disappeared during the soldiers' everyday routine or in a moment of confusion.

Although reports on sporadic burglaries existed, the Hessian custodians believed to hand over their almost completely evacuated stocks to the American forces, which were in charge then of the Bavarian region. By the end of 1947 the collections had been returned to Darmstadt. It was only in 1952-54, after the reconstruction of the museum, that the loss of the group of medieval objects was discovered while checking the inventories. Among the 17 missing objects were the five apostles and seven relief plates showing symbols of the evangelists. Three of the plates with the symbols carved out of walrus teeth were lost: the winged figures of man (Luke), of the lion (Mark) and of the eagle (St. John); only the bull (Matthew) had not been stolen. These are the outlines of the previous history.

Almost 40 years later, a first trace appeared of the lost treasures. In 1993 the Louvre contacted the "Hessisches Landesmuseum Darmstadt" because it was offered two relief plates with evangelist symbols. As it is common practice in such cases, the Louvre consulted Adolph Goldschmidt's standard work on medieval ivory sculptures of 1923 which identifies the plates' provenance with Darmstadt. Therefore the Louvre addressed a direct inquiry to their German colleagues.



One of the five apostles returned to the museum

Due to the war most files of the museum in Darmstadt were destroyed. Thus in earlier inquiries museum employees couldn't rule out that the National Socialists might have sold art objects to France during the 30's. Consequently, in 1983, the Louvre had already bought two evangelist symbols which originally belonged to Darmstadt. In 1993, however, Sybille Ebert-Schifferer, director of the "Hessisches Landesmuseum Darmstadt", and custodian Theo Jülich<sup>2</sup> doubted that the cultural treasures appearing on the Parisian art market could have legally left Germany. Why should National Socialists have sold these ivories, attributed to the school of Cologne, which they must have highly appreciated as objects of 'true German art'? Rather the reversed practice was common in Germany at the time: the selling of French or Italian art. Payed with the profits resulting from these sales German art „returned to the Reich".

It turned out that one of the symbols offered in 1993 matched the group of two plates the Louvre had already bought in the 80's. Sybille Ebert-Schifferer proposed, therefore, a special arrangement to her French colleagues: They could keep the third evangelist symbol and, in return, the Louvre would help Darmstadt to get back the ivory plate of the lion (Mark) which belonged to the group still in the German museum. The French private owner of the plates learned that he possessed previously stolen goods. Thanks to the cooperation of the Louvre he also was informed that objects of such dubious origin would not be bought by any museum. Consequently the German museum could re-purchase the lion figure (Mark) for a rather small sum compared to its actual value.

Whether it was an accident or not, in the very same year, in September 1993, the five apostles were among the lot numbers of an auction at the Hôtel Drouot in Paris. Meanwhile the German art historians had discovered the old evacuation lists which were believed lost for good. With these files evidence existed for the fact that the ivories had been deposited in castle Rauhenzell and had disappeared from there. The "Hessisches Landesmuseum Darmstadt" reported to the French police and tried to withdraw the artworks from the auction. This attempt was not successful since French law allows the possession of stolen goods if the owner can prove to have bought it bona fide. Nevertheless the private owner eventually was defeated. Sybille Ebert-Schifferer informed every larger museum in France about the fate of the apostle plates. Interpol conducted investigations, the German embassy was asked to intervene, and the auction house was put under pressure. Finally, after intensive negotiations and with the financial help of some Hessian enterprises, the five apostles could return to the "Hessisches Landesmuseum Darmstadt" in 1994. The story of the five apostles closes with a happy ending.

Although every restitution is of individual character the example of the Darmstadt case shows how crucial the combined forces of public pressure and the solidarity of the international museum community can be. Without these means it would not have been possible for the committed museum staff to prevent at such short notice the selling of the artworks at the auction. Furthermore, the museum's publication of its success story might encourage others as well to make their institutions' history of the 30's and 40's known to a wider public. Up to the present day in many cases this still remains a desideratum.

Christiane Kienle, Coordination Office of the Federal States for the Return of Cultural Property, Bremen

**Notes:**

<sup>1</sup> Klaus Staat: Die abenteuerliche Heimkehr der fünf Apostel. Geschäftsbericht der Darmstädter Sparkasse. Darmstadt 1995.

<sup>2</sup> The author thanks Theo Jülich for his advice and friendly support.

Restitution of Books of Dutch, Belgian and French Origin:  
Symbol of a Symbol

In September 1992 the Russian Federation made the only restitution of books to the West in returning 608 books to the Netherlands. This restitution took place thanks to the special efforts of Frans Janssen, director of the "Bibliotheca Philosophica Hermetica" in Amsterdam, and Ekaterina Genieva, director of the Rudomino Library of Foreign Literature in Moscow.

All 608 books had one thing in common: they were published in Dutch and were of diverse nature: school books, children's literature, Dutch prose from the Golden Age, historical and philosophical literature. A few of them were published in the 19th century, most came from our country and two were printed in 1942. The books came from private collections as well as families or even from book shops. Roundabout 100 had names or stamps of the former owners on the title pages.

The volumes were exhibited in Moscow in 1992 in the Rudomino Library of Foreign Literature, and came in their possession in the years 1981 and 1983. There they received a stamp from the library itself and one on page 17, a remembrance to the Russian Revolution of 1917. Before, these books were kept in the National Library of Minsk, where they were gathered after the Second World War. They came probably from the German depot in Raciborz (Ratibor), which was used by the "Einsatzstab Reichsleiter Rosenberg", as central depot for their large "Ostbücherei" (Eastern Library). There they received the indication HOL ("holländisch" - Dutch), written with pencil and a specific number.

These books made an enormous journey through time and space: they were stolen during the Second World War mainly in the Netherlands, but also in Belgium and in France and then transported to Berlin and Ratibor. After the war they were transferred to Minsk, Moscow and in the 90's they returned to Amsterdam, Brussels and Paris.

The Belgian books, restituted during the Benelux gathering on October 8th, 1996 in Brussels, originated from the "Algemeene Diamond Workers Association" of Antwerp, the private collections of the socialist Ministers Camille Huysmans and Arthur Wauters, and the Jewish family Andriesse, who lived in Brussels. The books of French origin belonged to the Turgenev Library and to the "Société Théosophique" in Paris.

Through a better documentation of the cultural losses these books can finally be returned to their rightful owners. It remains a symbol of a symbol: these are only examples of ten thousands of stolen books out of a total eleven million books, distributed between libraries in the Russian Federation.

Fritz Hoogewoud, Bibliotheca Rosenthaliana, Amsterdam  
Jacques Lust, Ministry of Economic Affairs, Brussels

## Restitution of the "Targa Ovata"

On Friday, September 13th 1996 Ambassador Ronald Lauder, owner of a most important collection of arms and armour, handed over to Pavia & Harcourt, legal

counsels of the Italian Consulate General in New York, a parade shield of the XVIth century, belonging to the Musei Civici of the Italian city of Bologna.

The shield, oval in form, known as "Targa Ovata" is of damascened steel, plated with gold; round the central boss runs the inscription: "Populus Universus Agri Bergomensis". The "Targa Ovata" was sent in 1939 from Bologna to Naples to be exhibited in the "Mostra Terre d'Oltremare" from where it disappeared due to wartime events. Ambassador Lauder bought it on the art market, from a respected London dealer, in 1982.



16th century parade shield "Targa Ovata", Musei Civici, Bologna

The Interministerial Commission for the Italian Art Treasures lost during the Second World War could identify the shield in the Lauder collection. Ambassador Ronald Lauder immediately reacted very positively, as a true lover of the arts, to the restitution request from the Italian Government through the Consul General in New York. The "Targa Ovata" belongs to a parade armour donated by the people of the country-side of Bergamo to Francesco Bernardo, a captain of the troops of the Republic of Venice around 1550. In 1553 Captain Francesco Bernardo ruled on a question of taxes due to the "Serenissima" by the country-side of Bergamo and it is likely that the armour was presented to him as a token for gratitude on that occasion or as a departure gift. Around the figure of Justice runs the inscription: "Sic profuit dum prafuit". To the armour belongs a war hat currently in the Wallace Collection in London (n.A. 87), bought in Paris in the middle of the last century by Sir Richard Wallace for £3,500 pound sterling.

The shield was returned to the Musei Civici Medievali of the town of Bologna on October 16th, 1996, in a ceremony attended by the mayor and other authorities as well as a numerous public.

Mario Bondioli-Osio, President of the  
Interministerial Commission for Artworks, Rome

### Return of Three Albums from the Ukraine to the Department of Prints and Drawings Dresden

Since 1993 Germany is negotiating with the Ukraine about the restitution of cultural treasures moved because of World War II. After the third round of negotiations another mutual agreement could be achieved. On December 3rd, 1996, Waldemar Ritter of the Ministry of the Interior in the presence of the ambassador of the Ukraine returned three precious albums to the Department of Prints and Drawings Dresden. These albums of lithographs and engravings had been missing since 1945. Three of five albums known to be in Ukraine were presented to chancellor Helmut Kohl in Kiev during his state visit at the beginning of September. Already in July 1996, the staff of the Museum of Western and Eastern Art had shown all five of these albums to their German colleagues.

The recently returned works are: one volume with 57 lithographs of 1820 after Franz Gareis (1775-1803), a renowned Saxon artist, a second album with 69 colour etchings after Swiss sceneries, mostly of the 18th and 19th century, and, last but not least, 95 engravings by Johann Blaeu which date back to 1700 depicting scenes of festivities, ceremonies and the residences of the Dukes of Savoy. In return, the Ukraine received an 18th-century-icon, an antique Scythian mirror and books, among them works of the famous Lavra monastery in Kiev.

Today the Department of Prints and Drawings still misses a total of about 640 anthologies, albums, illustrated albums as well as books, containing thousands of engravings, wood cuts and lithographs. Also the museum still misses approximately 10,400 prints from the Renaissance to the 20th century, 3,300 drawings in albums and sketching books, the whole art historical library and valuable archival material. Most of all, due to the war the museum further lost 1,500 mainly unique drawings of exceptional quality by artists such as Dürer, Cranach, Rubens, Kollwitz and Menzel.

Wolfgang Holler, Director of the Department  
of Prints and Drawings, Dresden

## Bibliography

The bibliography gives an overview of books in two parts: 1. Books on general aspects, giving a good insight into the policy of restitutions immediately after the war and into legal issues which are related to cultural property and published during the last years; 2. important publications about looted art of various countries. Each newsletter will update the information and enlarge the bibliography on general aspects as well as on all concerned and contributing countries. Articles of the daily press are only included in special cases (like the Mauerbach-case).

### Books and Articles on General Aspects

**Boguslawskij, Mark M.:** Probleme der Rückführung von Kulturgütern (Bücher und Archivalien). In: Franz Görner (Hrsg.): Staatsbibliothek zu Berlin - Preußischer Kulturbesitz. Veröffentlichungen der Osteuropa-Abteilung. 25. ABDOS-Tagung in Kiel. Vol. 20. Berlin 1996. Pp. 50-56.

["Problems of the Return of Cultural Treasures (Books and Archival Materials)". The publication of the 25th archivists' conference contains, among others, the contribution of the Russian law expert, Mark Boguslawskij, on problems of the return of cultural treasures. Its focus lies on the return of archival material and books.]

**Fiedler, Wilfried:** Internationaler Kulturgüterschutz - völkerrechtlich betrachtet. In: Spektrum der Wissenschaft. August 1996. Pp. 106-108.

["International Protection of Cultural Treasures Seen from the Perspective of International Law". Latest findings on the extent of looted cultural treasures and their whereabouts as well as current political developments raise questions for the international law.]

**Garber, Klaus:** Eine Geste für Europa. Die Zeit. No. 46. November 8th, 1996.

["A Gesture for Europe". About the return of the German books from Georgia.]

**Goldmann, Klaus:** Patrimoine. L'art et les prises de guerre. In: Archäologisches Nachrichtenblatt. Vol. 1. No. 3. 1996. Pp. 219- 224.

["Patrimony. Art and Spoils of War". The essay concentrates on theory and practice in regard of the term 'patrimony': The latter is analyzed, on one side, as it was intended by the The Hague Convention of 1907 and, on the other, it is shown how the idea of the protection of cultural heritage has mostly been disregarded in World War II.]

**Jayme, Erik:** 'Entartete Kunst' und Internationales Privatrecht, vorgetragen am 6. November 1993. In: Sitzungsberichte der Heidelberger Akademie der Wissenschaften, Philosophisch-Historische Klasse: Bericht 1. 1994. Pp. 7-36.

["A Lecture on 'Degenerate Art' and International Private Law, Delivered Nov. 6th, 1993".]

**Jayme, Erik:** Kunstwerke als Kriegsbeute: Restitution und Internationales Privatrecht im deutsch-französischen Rechtsverkehr". In: IPRax. Vol. 4. 1995. Pp. 260-261.

["Art Treasures as Spoils of War: Restitution and International Private Law in the German-French Law Relations".]

**Jayme, Erik:** Neue Anknüpfungsmaximen für den Kulturgüterschutz im Internationalen Privatrecht. In: Dolzer, Rudolf; Erik Jayme; Reinhard Mußgnug (Hrsg.): Rechtsfragen des internationalen Kulturgüterschutzes. Heidelberg 1994. Pp. 35-52.

["New Maxims for the Protection of Cultural Goods in the International Private Law".]

**Lehmann, Klaus-Dieter:** Bücher als Kriegsgeiseln. In: Bibliotheksdienst. 30. Jahrgang. 1996. No. 8/9. Pp. 1475-1481.

["Books as War Hostages". With a documentation of the memorandum of the joint Russian-German library expert group.]

**Petropoulos, Jonathan:** Art as Politics in the Third Reich. Chapel Hill/London 1995.

["Spoils of War" No. 4 will present an article on this topic by the author of the book.]

## Books and Articles on Specific Countries

### AUSTRIA (Mauerbach)

**Christie's:** Mauerbach. Items Seized by the National Socialists to Be Sold for the Benefit of the Victims of the Holocaust. Christie's: Mauerbach. Versteigerung der von den Nationalsozialisten konfiszierten Kunstwerke zugunsten der Opfer des Holocaust. MAK-Österreichisches Museum für angewandte Kunst Vienna 29th and 30th October 1996.

**D'Arcy, David:** Christie's Gets Mission Impossible. In: The Art Newspaper 55. January 1996. P. 27.

**Decker, Andrew:** A Legacy of Shame. In: ARTnews 83. 1984. Pp. 55-76.

**Decker, Andrew; Alan Jolis:** Vienna - A Question of Restitution. In: ARTnews. Vol. 95. No. 6. June 1996. P. 76.

**Dornberg, John:** The Mounting Embarrassment of Germany's Nazi Treasures. In: ARTnews 87. No. 7. September 1988. Pp. 138-139.

**Halpeter, Marta S.:** Benefiz-Auktion der 'Mauerbach Schätze': Galerie der Tränen. In: Die Gemeinde. No. 464. January 10th, 1996. Pp. 20-22.

["Beneficiary Auction of the 'Mauerbach Treasures': Gallery of Tears".]

**Horny, Henriette:** Triumph der Werte bei der 'Mauerbach-Auktion'. In: Kurier. October 31th, 1996.



["Triumph of Values at the 'Mauerbach-Auction'".]

**Kattinger, Matthäus:** Jüdische Kunstwerke. Kartausen-Schatz. In: Wochenpresse. No. 31. July, 30th, 1985. Pp. 22-25.

["Jewish Artworks. Treasure in a monastery".]

**Kurtz, Michael J.:** Nazi Contraband. American Policy on the Return of European Cultural Treasures. New York/London 1985. Pp. 253, 266, 283.

**Moncrieff, Elspeth:** Like a Vast House Sale Where Time Has Stood Still Since World War II. In: The Art Newspaper. No. 63. October 1996. P. 35.

**Petsch, Barbara:** Beutekunst aus Wien: das 'Erbe der Schande' wird entsorgt. In: Die Presse. October 22nd, 1996. P. 3.

["Trophy Art from Vienna: The 'Legacy of Shame' is Going to be Disposed of".]

**Dies.:** Nicht nur eine Auktion - auch ein Bekenntnis. In: Die Presse. October 23rd, 1996. Front page.

["Not Only an Auction - Also a Confession".]

**Schneider, Pierre:** Art. La loi sans mémoire. In: L'Express. March 8-14th, 1985. Pp. 98-99.

["Art. The Law Without Memory".]

**Sedar, Alice:** Un héritage encombrant. In: Le Figaro. April 5th, 1996.

["A Burdensome Heritage".]

**Smonig, Reinhold; Andreas Unterberger:** Wachsende Meinungsverschiedenheiten Paris - Wien: neben Visastreit auch Disput über jüdische Kulturgüter. In: Die Presse. November 20th, 1986. Pp. 1-2.

["Growing Differences in Opinion Between Paris and Vienna: Visa Dispute as well as a Conflict About Jewish Cultural Goods".]

## BELGIUM

**Lust, Jacques:** De grootste cultuurroof aller tijden. In: De Witte Raaf. Gent November-December 1996.

["The Biggest Cultural Robbery of All Times".]

**Steenhaut, Wouter; Vermote, Michel:** De zoektocht naar de verdwenen belgische en liberale archieven in Moskou. In: Verhulst, A.; Pareyn, L.: Huldeboek Prof. Dr. Marcel Bots. Een bundel historische en wijsgerige opstellen. Gent 1993.

["The Search for Lost Belgian and Liberal Archives in Moscow". Overview of Belgian archives in the Osoby-archives in Moscow]

**Steenhaut, Wouter & Vermote, Michel:** The Search for and Reproduction of Belgian Archives. In: Social History and Russia. N°6. IISH. Amsterdam November 1996.

## GERMANY

**Goldmann, Klaus:** Verborgene Geschichte. In: MUT. No. 349. September 1996. Pp. 37-43.

["Hidden History". Deals, among others, with the case of the Gold of Troy in a wider context.]

**Hochfield, Sylvia; Konstantin Akinsha:** Moscow - A Question of Restitution. In: ARTnews. Vol. 95. No. 6. June 1996. P. 75.

[About the Gold of Troy.]

**Ilatowskaja, Tatjana:** Meisterzeichnungen aus der Eremitage. Wiederentdeckte Werke aus deutschen Privatsammlungen. München 1996. (ISBN 3-4634-0300-5).

["Master Drawings From the Hermitage. Rediscovered Works of German Private Collections". This is the catalogue of the recently opened exhibition in the Hermitage with master drawings which originate from German collections such as the ones of Helene Bechstein, Otto Gerstenberg, Bernhard Koehler, Otto Krebs.]

**Katalog der Drucke des XVI. Jahrhunderts aus den Beständen der VGBIL.** Rudomino-Bibliothek für Ausländische Literatur. Compiled by E.A. Korkmazova und A.L. Ponomarev. Moscow 1996.

["Catalogue of the 16th-Century Printed Books in the Collection of the VGBIL Rudomino Library for Foreign Literature".]

**Ritter, Waldemar:** Die sowjetischen Trophäenkommissionen. Zur Verschleppung von Kunstschatzen aus deutschen Museen und Sammlungen. In: MuseumsJournal. No. 4. 10. Jahrgang. October 1996. Pp. 6-8. (ISSN 0933-0593)

["The Soviet Trophy Commissions. About the Translocation of Cultural Treasures from German Museums and Collections". With a list of the military trains loaded with cultural treasures which were sent from Germany to the Soviet Union in the years 1945-1946.]

**Staatsbibliothek zu Berlin, Preußischer Kulturbesitz:** Verlagert, verschollen, vernichtet. Das Schicksal der im 2. Weltkrieg ausgelagerten Bestände der Preußischen Staatsbibliothek. Redaktion Ralf Breslau. Berlin 1995. (ISBN 3-88053-060-2).

["Moved, Lost, Destroyed. The Fate of the Stocks of the Prussian State Library Moved During the Second World War". Description of the lost stocks and their history.]

### HUNGARY

**Andriasova, Tatiana:** Bringing Art History Home. In: Moscow News. October 12th, 1996.

[About the exhibition "Masterpieces of Western European Art" in the city museum of Nizhny Novgorod, featuring paintings from Hungary that have been kept at the Moscow Grabar Center for restoration since 1957.]

### ITALY

**Turner, Jonathan:** The Last Prisoners of War. In: ARTnews. October 1996. P.71.

[About the Italian art losses of World War II.]

### UKRAINE

**Kot, Sergej, Olaksij Oshurkevych:** Volins'kii kraeznavtchii muzei. Dolya kul'turnich skarbiv Ukraini pid tchas drugoi svitovoi viini: archivi, biblioteki, musei. Vypusk 1. Kyiv/Bremen 1996.

["The Museum of Local History of Volyn. The Fate of Ukrainian Cultural Treasures During the Second World War: Archives, Libraries, Museums". Description of the history of the museum, list of losses and the publication of some documents.]

**Povernennya kul'turnogo nadbannya Ukraini: Problemi, zavdannya, perspektivi.** Vypusk 6. Materiali natsional'nogo seminaru "Problemi povernennya natsional'no-kul'turnich pam'yatok, vtratchenich abo peremishchenich pid tchas drugoi svitovoi viini". Tchernigiv, veresen' 1994. Red. A. Fedoruk et al. Kyiv 1996.

["The Restitution of the Cultural Heritage of Ukraine: Problems, Tasks, Perspectives". Proceedings of the national seminar "Problems of the Restitution of National and Cultural Treasures, Stolen or Replaced During the Second World War" in Tchernigiv, September 1994.]

**Povernennya kul'turnogo nadbannya Ukraini: Problemi, zavrannya, perspektivi.** Vypusk 7. Kul'tura i viina. Poglyad tcherez pivstolittya. Red. Viktor Akulenko et al. Kyiv 1996.

["The Restitution of the Cultural Heritage of Ukraine: Problems, Tasks, Perspectives". Culture and War. Overview of half a century. Proceedings of the Ukrainian-German Round Table, Kyiv/Odessa. April, 25th-27th, 1995.]

### USA

**D'Arcy, David:** Top Chicago Benefactor Sued for Degas. The Heirs of Friedrich Gutmann, Killed by the Nazis, Allege that a Degas in the Collection of Daniel Searle was their Grandfather's. In: The Art Newspaper. No. 62. September 1996. P. 6.

## Latest News

### 'Trophy Art' Exhibition in the Hermitage

On December 4th, 1996 the director of the Hermitage in St. Petersburg, Michail Piotrovskii, opened the latest exhibition of trophy art: "Masterdrawings in the Hermitage. Rediscovered Works of Art from German Private Collections". In this exhibition 89 drawings, engravings and water-colours from 18th to 20th century originating from 13 German private collections are presented. Among others the exhibition contains the following works of art: From the collection of Otto Gerstenberg and Margarete Scharf (Berlin) 30 drawings of Francisco de Goya are presented. They belong to the so-called "Bordeaux-Albums", on which Goya worked between 1824 and 1828. Of the collection Helene Bechstein, also from Berlin, drawings from Adolph von Menzel and Paul Cézanne and a water-colour from Vincent van Gogh are shown. 14 water-colours by Paul Signac of the Otto-Krebs-Collection are in the exhibition as well as other water-colours, drawings and gouaches. From the Siemens-Collection three water-colours by Adolph Menzel, Henri Toulouse-Lautrec and Paul Signac are part of the exhibition. The English catalogue of the exhibition was published by Abrams, New York; the German edition by Kindler (see Bibliography).



Francisco de Goya  
Ice-scater; Collection Gerstenberg-Scharf

### France: The MNR-Works of Art on Internet

The MNR consist of 2,000 works of art (paintings, sculptures, drawings, tapestries, and furniture), which were restituted from Germany and Austria to France at the end of the Second World War. Their rightful owners could not directly be traced. For the moment, these works of art remain under the care of the "Direction des Musées de France", who made a catalogue available on internet. This inventory can be consulted under the following address: <http://www.culture.fr> under the heading "Documentation". (At the end of 1997 a printed catalogue will be published.). Demands and claims, after consulting the e-mail address, can be made to the French Ministry of Foreign Affairs.

### Family Archives from Liechtenstein

A part of the family archives of the ruling dynasty of the principality of Liechtenstein were found by the Red Army in 1945 in Vienna (Austria). These were transferred to the Soviet Union and are kept in the Osobyi archives in Moscow. Liechtenstein remained neutral during the Second World War. After negotiations between the Russian and the Liechtenstein governments it was agreed to restitute the archives. In return Prince Hans Adam II proposed to hand over the Sokolov notebooks, which he had acquired at Christie's. N. Sokolov was an officer of the "White Government" of Koltsjak, who investigated the executions of the Romanov family. After the Civil War in Russia he fled to the West.

The judicial service of the Duma stated that the restitution of these archives was not in violation to the law, concerning the exportation of cultural goods from the Russian Federation. The exchange was agreed upon by the Duma on August 30th, 1996. The archives were expected to reach Liechtenstein at the end of this year, but until now the exchange has not been carried out.

### Parts of the Treasure of the House of Wettin Found

In October 1996 two treasure-hunters made a sensational discovery in Moritzburg (Saxony): valuable pieces from the legendary treasure of the House of Wettin. Obviously they were dugged into the ground at the end of World War II. Some of the pieces belong the major works of European gold work. This is especially true for the precious goblet in form of a moor head, which was created by the goldsmith Wenzel Jamnitzer (1508-1585). Furthermore about 50 pieces of gold and silver work, 150 pieces of the silver of the House of Wettin dating from the end of the last century and a coin collection were discovered. The largest part of the treasure of the House of Wettin was found by the Soviet army after the war and was transported to the Soviet Union. It is known that today some of the pieces are in the Hermitage in St. Petersburg.

### Italy Wants to Return an Antique Stele to Ethiopia

The Italian government will give back to Ethiopia a valuable antique stele which was brought to Rome as war booty by Mussolini in 1937. The stele, known as obelisque of Axum, dates back to the 4th century and is 24 meters high. It is supposed to range among the outstanding examples of African stonemason art of its time. For the transport to Rome the stele was cut into three parts. Mussolini erected the stele in front of his Ministry of Africa. During the war in Abessinia in 1935/36 cultural treasures were taken by the Italians. Some of them were already returned shortly after the war. The Italian side is ready to give back the stele, but some technical questions concerning the possibilites of the transport still have to be clarified.

### Conferences in Kiev and Minsk Postponed

In the last issues under "Latest News" we announced two conferences to be held in Kiev, October 24th to 26th, and in Minsk, October 14th-15th. Both conferences had to be postponed due to organizational needs. The conference in Kiev took place on December 12th-13th, 1996 (see Special Reports). The conference in Minsk is postponed to 1997. A concrete date is not yet fixed.

### Criminal Charges Concerning Quedlinburg Treasures Dismissed

A federal judge in Texas has dismissed criminal charges against Jack Meador and Jane Meador Cook, the brother and sister of the US army lieutenant who stole the Quedlinburg Treasures at the end of World War II, and John S. Torigian, the Meador's former lawyer. The criminal indictment had alleged that Jack Meador, Jane Meador Cook and John S. Torigian illegally conspired to possess, transport and sell the two Quedlinburg manuscripts after learning from experts that they were stolen from the Quedlinburg church. The Meador family's efforts to sell the Quedlinburg Treasures - which included reliquaries and other medieval religious objects in addition to the two manuscripts - led to their discovery in 1990. The Quedlinburg Church purchased one of its own manuscripts back from the Meadors through intermediaries in 1990, however, after the identification of the family, the Church brought suit for the remaining objects and recovered them in a civil settlement with the family.

The criminal prosecution under US National Stolen Property Act was based on the Meador's alleged efforts to sell the manuscripts and under US law had to be brought within five years of the allegedly illegal activities. Federal prosecutors had obtained an order from the judge extending the time period for bringing charges so that investigators could obtain additional evidence from the Federal Republic of Germany. US prosecutors filed their criminal charges in January 1996, and the case had been scheduled to be tried last November. The trial was destined to be closely-watched, given the remarkable nature of the case and its possible significance for the art market, however, in October 1996, the judge decided that prosecutors had not filed their charges promptly enough after German officials completed their cooperation. Prosecutors argued that the time period for bringing the indictment had not run out because their investigation was continuing, but the judge has denied the prosecutors' request that he reconsider his decision. The US Department of Justice must now decide whether to pursue an appeal of the dismissal. The Meadors still face possible fines from the US Internal Revenue Service for allegedly failing to pay inheritance taxes.

Thomas R. Kline, Lawyer,  
Andrews & Kurth L.L.P., Washington D.C.<sup>1</sup>

<sup>1</sup> The author, an attorney in private practice with the Washington, D.C. office of Andrews & Kurth, represented the Quedlinburg Church in its civil case against the Meadors to recover the treasures, but played no role in the criminal prosecution.

**You are glad you are on the mailing list of  
"Spoils of War"?**

**You want the project to go on?  
Then please read the following:**

This newsletter until now is not funded by any foundation. This means that we cannot afford to pay people to do some work on it. All editorial board members work on the newsletter during their free time. You, as our readers, can help us to make the work a little bit easier. How to do that?

- Send us your country reports without being asked for and in time.
- Tell us about which aspects you would like to publish an article in the next issue(s).
- Give us all information which might be of interest to us.
- Send us all new bibliographical data you can get hold of.
- Send us your contributions in English, so that we don't have to translate them, and on disk.
- Tell us about the restitutions which you get information about.
- Ask your colleagues to get in contact with us about their research.
- Send us press articles related with the topic of World War II losses.

**Thank you for your cooperation - we certainly will appreciate it!**

**The fourth number will appear in June, 1997.**

#### **Technical note:**

Please send your papers in form of a printout as well as on disk. Possible text processing programmes are: Winword 6.0, Winword 2.0, WordPerfect, Word. Please don't make any special formats, just write the plain text. Indicate any special formats (bold, centering etc.) on the printout. If you have notes, please don't insert them; attach the notes on a separate page. Indicate on the printout where to put them.

The reports should have a size of 2-3 pages maximum. Any longer report will be either shortened by us or must be rejected.

For the bibliography, please give the correct title reference, a translation into English, and a short annotation.

Please send your papers to the addresses given in the imprint.

**DEADLINE FOR THE 4th NUMBER OF "SPOILS OF WAR":**

**April 15th, 1997**