



Newsletter

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Network of European
Restitution Committees
on Nazi-Looted Art

Content

INTRO	Dear Reader,	3
NEWS	A Look Back at Restitutions Committee Meetings to mark twenty years of Dutch restitution policy	5
NEWS	Research Project The Mauritshuis in the War	12
NEWS	Report on the 98th meeting of the Art Restitution Advisory Board	13
NEWS	Relaunch of the Lexicon of Austrian Provenance Research 2021	19
CASE STUDY	The collections of Anna and Konrad Mautner in the Austrian Museum of Folk Life and Folk Art in Vienna: seized – acquired – restituted – donated – exhibited	21
CASE STUDY	From prehistory to modern times: the Robert Piowaty collection	27
CASE STUDY	The fate of Robert Piowaty and his family	28
NEWS	CIVS Activity Report 2020	35
NEWS	In France, a bill for the return and restitution of looted works of art	35
CASE STUDY	Cases study	38
ADDENDUM	Why a “Restatement of Restitution Rules for Nazi-Confiscated Art”?	
	Observations on the “weighing of interests” in light of the Kohnstamm Report	44



JACOB KOHNSTAMM

Dear Reader,

At the end of 2019 I was invited to chair a committee charged with evaluating Dutch restitution policy in the light of the Washington Principles. In 2020 we, the evaluation committee, examined that policy critically from all sides. Armed with the knowledge we had acquired, in our [final report published at the end of 2020](#) we spelled out for the Minister responsible the issues with regard to which we recommended she should make changes to Dutch restitution policy.

During the course of my career, over the last few decades I have sat on various advisory committees. As a committee member I was always aware that I was only a backseat driver, saying how and where things should be headed, without any responsibility for actually being in the driving seat.

When, early in 2021, the Minister [decided to adopt the Evaluation Committee's recommendations](#) lock, stock and barrel, I was minded to apply for the position of chair of the Restitutions Committee, which had recently become vacant. In other words, to also be responsible myself for the actual direction to be taken. And so it came about that I am now able to introduce myself as the new Restitutions Committee chair in a year when we are looking back at the two decades since the Committee was established.

The Restitutions Committee has marked that 20th anniversary by commissioning a documentary entitled [Looted Art & Restitution](#). It shows how the Committee does its work and the grounds on which it prepares recommendations and rulings. The documentary

goes further than that by revealing the emotional process that descendants undergo during the unearthing of the history associated with the artworks they have claimed. This documentary was produced before I became chair, and so I can say without any embarrassment or reservations that I think it is a stunning piece of work. I can heartily recommend watching it!

On the occasion of the first viewing of the documentary, I spoke about developments in Dutch restitution policy in a livestream meeting with representatives of many Jewish organizations, participating parties and the Minister of Education, Culture and Science, who is responsible for restitution policy. Please see my speech below.

And finally. In 2021 the Netherlands also had the pleasure of chairing the Network of European Restitution Committees. We issued four splendid Newsletters, in which we were able to showcase restitution policy and related activities in the different countries. On behalf of all members of the Restitutions Committee and its supporting staff, I thank all those who contributed this year. We hand over the chair to Germany with confidence.

It is an honour to be able to contribute to the return of art looted during the Second World War. I hope to meet members of the Network of European Restitution Committees in person in the near future.

With warm regards,

Jacob Kohnstamm
Chair of the Restitutions Committee

For more information

Dutch restitution policy evaluation report

<https://www.raadvoorcultuur.nl/documenten/adviezen/2020/12/07/striving-for-justice>

New assessment framework

<https://www.restitutiecommissie.nl/wp-content/uploads/2021/07/Decree-RC-per22April2021.pdf>

Looted Art & Restitution documentary (with English subtitles)

<https://www.youtube.com/watch?v=xgMMYkOIRsU>



A Look Back at Restitutions Committee Meetings

To mark twenty years of Dutch restitution policy

SPEECH BY THE NEW CHAIR OF THE RESTITUTIONS COMMITTEE, JACOB KOHNSTAMM

Your Excellency, ladies and gentlemen, I appreciate it very much indeed that Ingrid van Engelshoven, our Minister of Education, Culture and Science, is present today, Thursday 25 November 2021, in person. It reflects her involvement in restitution policy and consequently the work of the Restitutions Committee. That means a great deal to me. I am very grateful for Emile Schrijver's hospitality in offering to host this meeting in the Jewish Museum. It is regrettable that COVID measures have resulted in a reduced attendance. Fortunately, many people can follow proceedings through the livestream online. There are at least two good reasons for holding this meeting.

The first is that the Restitutions Committee has been in existence for twenty years. Since it was established in 2001, the Restitutions Committee, whose membership has seen a number of changes since then, has carried out its tasks with complete integrity.

The Committee has the final say about whether or not a restitution application is admissible, and so it goes without saying that it is not possible to satisfy everyone. Apart from that, however, there have also been critical remarks about our work. They relate primarily to the step of weighing up interests and to the time it takes to handle a case. This brings us to a second good reason to step



In broad-brush terms, the most important change from regulations that the Restitutions Committee applied previously is that the step of weighing up interests has been dropped.

back and take a look at our work because over the last six months these two sources of criticism have prompted relevant changes that have been made or are scheduled for the near future.

Our documentary explains more evocatively than my speech how the Committee does its work. We commissioned the documentary, and after its premier it will be available on our website for everyone to watch.

By way of introducing it, permit me to touch on the two most important changes in the Restitutions Committee's working practices. The first concerns an unambiguous assessment framework, which since mid-April has been the prescribed methodology that the Restitutions Committee is bound to employ when it considers cases.

In broad-brush terms, the most important change from regulations that the Restitutions Committee applied previously is that the step of weighing up interests has been dropped. The importance of the work to the museum, the extent of the efforts made by the applicant to recover the work, and the importance of the work to the public art stock are elements that are no longer included in the way the Committee considers restitution applications. I will not address at this time the specific provisions in the assessment framework relating to applications from Jewish art dealers or



“In other words, a reversal of the burden of proof so to speak. During these periods, Jewish citizens were, after all, stripped of almost everything - their civil rights, their human dignity - and the vast majority of them were murdered. In many cases they were literally robbed of their possessions – in other words art was simply looted.”

their heirs. I want to focus on restitution applications concerning a private individual who during the Second World War, or the run-up to it, belonged to a persecuted population group. Two questions are crucial here.

The first is whether it is highly likely that the applicant or their legal successor was the original owner. Only if that is the case, will attention pass to the second crucial question, namely whether it is sufficiently plausible that possession of the object was lost involuntarily.

With regard to answering this second question, the assessment framework - completely in line with how the Restitutions Committee has addressed this question for many years - stipulates as follows. If a private individual who belonged to a persecuted population group lost possession of a work of art in the Netherlands after the war reached the country (May 1940) or in Germany after Hitler was appointed Chancellor, involuntary loss of possession is assumed unless the facts expressly show otherwise.

In other words, a reversal of the burden of proof so to speak. During these periods, Jewish citizens were, after all, stripped of almost everything - their civil rights, their human dignity - and the vast majority of them were murdered. In many cases they were literally robbed of their possessions – in other

words art was simply looted. Individuals were also sometimes compelled to sell artworks so they could flee, or because they ended up with no income as a result of measures taken by the Nazis, or because of blackmail (hollow promises they would not be transported), or because of anti-Jewish tax legislation.

So, unless the facts expressly show otherwise, when assessing restitution applications concerning private individuals who belonged to a persecuted population group, we assume that the loss of possession was involuntary. If ownership by the original holder is not highly likely, the assessment framework stipulates that the Restitutions Committee shall recommend rejection of the application, and the second question, which relates to the involuntariness of the loss of possession, does not need to be addressed. However, if both questions are answered in a positive sense for the applicant, there is - depending on who the current holder is - one further hurdle to jump before a recommendation or a binding ruling to retribute can be issued. This hurdle concerns the doctrine of good faith.

The Minister of Education, Culture and Science has told the Lower House of Parliament that if both the aforementioned questions – about ownership and involuntary loss of possession - have been answered in a confirmatory way, and if the Dutch Stater is the holder of the work, invoking acquisition in good faith

As we speak, there are over twenty cases awaiting resolution. Many of them were laid before us in 2019 or earlier. As a newcomer to the Committee, I have to watch my step here. I am well aware that much of the work that has to be done to assess applications requires complex and sometimes lengthy investigation.

will not happen in any circumstances. In other words, the restitution application will be granted in full.

The situation is somewhat more subtle if the work is not held by the Dutch State. The Evaluation Committee that reviewed restitution policy in 2020 concluded that provincial and regional authorities (namely municipal and provincial museums) should also not invoke acquisition in good faith if – using my own wording – a comprehensive provenance investigation did not take place at the time. However, if the museum or the provincial or regional authority does not voluntarily waive the right to invoke acquisition in good faith, and thereupon actually does so, the Restitutions Committee has to assess whether or not that invocation is genuine. But even if it is then concluded that the museum acted in good faith when acquiring the work of art, according to the assessment framework it is up to the Restitutions Committee to decide to what extent the restitution application should be granted by means of either unconditional restitution or a mediated solution.

There is something else I would like to say. Not about the substance of the Restitutions Committee's work, but about the intended changes in our working practices.

In a formal sense, we continue to issue advice about restitution applications where the requested work of art is held by the Dutch State, and binding rulings in other cases. We will also continue to ask the Expertise Centre (NIOD) to unearth the facts that are necessary to appraise questions about ownership and involuntary loss of possession.

As a result of an extraordinarily unfortunate combination of circumstances – including a shortage of staff in the Expertise Centre and the inaccessibility of archives because of the COVID pandemic – it is taking painfully long – up to three years or even longer – before a decision can be taken about restitution applications. As we speak, there are over twenty cases awaiting resolution. Many of them were laid before us in 2019 or earlier. As a newcomer to the Committee, I have to watch my step here. I am well aware that much of the work that has to be done to assess applications requires complex and sometimes lengthy investigation. Yet I will not hide the



EMILE SCHRIJVER, MINISTER INGRID VAN ENGELSHOVEN AND JACOB KOHNSTAMM



fact that the time that elapses between the submission of an application and its settlement is not acceptable.

It is therefore very pleasing that Minister Ingrid van Engelshoven will be making it possible for the Expertise Centre to increase its staffing significantly in the near future. As a result, two new staff members started work at the Expertise Centre in recent months, and during the first quarter of 2022 it will be possible to take on a further six people. We and the Expertise Centre are aiming to have removed the backlog that has built up over the last two years by the end of 2022 or the beginning of 2023. From then on, the goal is that the Expertise Centre will, in eighteen months on average, conduct the investigation into the facts that the Restitutions Committee needs for the decisions to be taken. In addition, reinforcement of the Restitutions Committee's office resources in the year ahead will also enable, among other things, an increase in the intensity of communication

We and the Expertise Centre are aiming to have removed the backlog that has built up over the last two years by the end of 2022 or the beginning of 2023.

with applicants compared with last year. There is a further aspect of our working practices that can be reviewed to see whether any changes should be made.

It is striking that applicants often choose to have support from one or more lawyers during implementation of the restitution application procedure. While it goes without saying that applicants are completely free to call on assistance from lawyers, the procedure should be designed such that applicants can complete it satisfactorily on their own. On another subject, there is an



As time passes since the original owner lost possession involuntarily, it becomes more and more difficult to unearth the facts that are needed to answer two crucial questions – about the ownership and the involuntariness of the loss of possession.

increasing tendency among museums to adopt a stance that, if there is a case of involuntary loss of possession, they no longer wish to hold the objects concerned. There is consequently perhaps less and less of an adversarial attitude between two parties, as is usually the case in purely legal proceedings, where one party wants something that the other does not want to part with. And finally, a not unimportant issue. As time passes since the original owner lost possession involuntarily, it becomes more and more difficult to unearth the facts that are needed to answer two crucial questions – about the ownership and the involuntariness of the loss of possession.

The issue that arises from all this is the extent to which it is legally responsible for us to adapt the procedure such that it is less strictly legal - also when the end result is a binding ruling. When dealing with restitution applications, is it possible to search more frequently for a mediated solution? Or is it an illusion to think that this is possible when restitution applications are submitted against a backdrop of the dehumanization of the original owners during the Nazi era, often burdened by deep-seated historical emotional factors? Or do the financial interests that are involved represent an obstacle to finding an amicable solution?

I would be pleased to hear from anyone who knows. Speaking for myself, I would consider it slovenly if we did not try to pursue a course leading to an amicable solution more often and more intensively.

There are a further two points I would like to mention briefly before we watch the documentary about the Restitutions Committee's work.

In response to the recommendations of restitution policy Evaluation Committee, the Minister of Education, Culture and Science has, among other things, made two decisions public.

The first is to resume systematic provenance research. To that end she has announced that six million euros will be provided for the coming four years. Based on that provenance research, it will be possible for potentially interested parties to be actively approached by or on behalf of the ministry and given guidance about submitting a restitution application, also without calling on legal assistance. A second decision concerns setting up a central body under ministerial responsibility that passively and actively provides information about restitution policy.

These two decisions could result in more restitution applications being laid before us in the years ahead.



Looted Art & Restitution Documentary

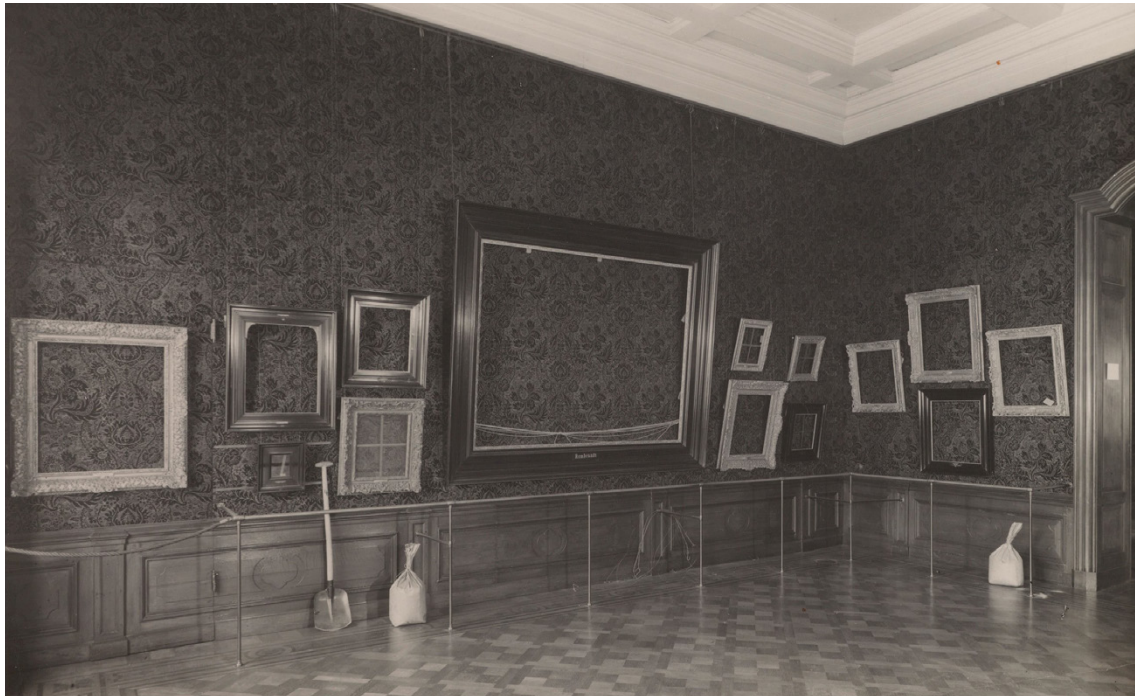
The Looted Art & Restitution documentary has been produced to mark twenty years of Dutch restitution policy. Applicants in two former restitution cases tell their personal stories. The Restitutions Committee explains its working practices.

In 2022 the Restitutions Committee also intends to issue educational clips for secondary schools and to engage with a number of

museums so that visitors can watch the documentary.

I would like to give my special thanks to the FitzGibbon and Noordenbos families for sharing their stories and to video producers De Haaen for their inspiring work.

Watch the documentary with English subtitles
<https://www.youtube.com/watch?v=xgMMYkOIRsU>



THE EMPTY REMBRANDT ROOM IN THE MAURITSHUIS, JULY 1944 (MAURITSHUIS ARCHIVES, THE HAGUE)

Research Project The Mauritshuis in the War

In 2021 the Mauritshuis, the Restitution Expert Centre (part of NIOD) and the Netherlands Institute for Art History – RKD, with the support of the Mondriaan Fonds, embarked on a broad-based investigation into the history of the Mauritshuis in the Second World War period.

This long-term project engages with the growing focus in the Netherlands and other countries on the role of museums in wartime. The research concentrates on the Mauritshuis's role in the wider context of the Dutch museum world, the rise of the Nazi regime and the persecution of Jews. Although at that time the museum was confronted with

the same concerns and challenges as many other Dutch museums, it also had a unique position because of its particular location in The Hague – the heart of the Nazi's centre of political power.

The plan is to present the findings of the research in a book and exhibitions.

The project is made possible in part by the Mondriaan Fonds, the public fund for visual art and cultural heritage and the Ministry of Health, Welfare and Sport, as part of the Open Call for Proposals 75 Years of Freedom. Jona Mooren and Eelke Muller of NIOD-ECR are taking part in the research.



Report on the 98th meeting of the Art Restitution Advisory Board

PIA SCHÖLNBERGER

The Art Restitution Advisory Board held its 98th meeting on 5 November 2021. Recommendations for restitution from the Academy of Fine Arts Vienna, the Museum of Military History / Military History Institute, and the Natural History Museum Vienna were made. The Board also recommended restitutions from the Salzburg Museum, whose collections are not owned by the State and hence not subject to the Art Restitution Act but which the museum nevertheless asked the Board for advice about.

“As he met the two required criteria, namely remaining in Vienna for at least six months, and having served as a soldier in the First World War, however, he was given approval to treat Jewish patients only, but with his title downgraded to “Krankenbehandler”

Sammlung Baurat Stiassny

The first decision refers to graphic prints owned by the Jewish Viennese gynaecologist Sigmund Stiassny (1873–1941). He had inherited the extensive private art collection – listed in 1921 as a protected cultural asset – owned by his father, Wilhelm Stiassny (1842–1910), an architect (with the title “Baurat”) and cofounder of the (old) Jewish Museum Vienna. Following the annexation of Austria to Nazi Germany in 1938, Sigmund Stiassny’s licence to practise medicine was revoked. As he met the two required criteria, namely remaining in Vienna for at least six months, and having served as a soldier in the First World War, however, he was given approval to treat Jewish patients only, but with his title downgraded to “Krankenbehandler” (healer of the sick).

While this activity initially put him in a better position than those doctors whose licence had been completely revoked, the situation of the 368 “Krankenbehandler” in October 1938 also gradually deteriorated. By December 1943 there were only 47 of them left. Sigmund Stiassny had practically no access to his assets. While his divorced wife managed to flee to France with their son Wilhelm Michael, Sigmund, who was in poor health, was obliged to remain in Vienna with his elder son Hans Joachim. At the end of 1939 they were forced to move to a collective apartment, where Sigmund died in 1941. In January 1942, Hans Joachim was deported at the age of 20 to Riga and murdered there. Only recently, 33 sheets with the Stiassny collection provenance marking turned up in a bundle of several thousand sheets in the collection of the



THE COPPER ENGRAVING FROM THE ACADEMY OF FINE ARTS ENTITLED “THE DESTRUCTION OF THE ALTAR IN BETHEL AND THE EXHUMATION OF THE BONES FROM THE GRAVES” FROM THE SECOND HALF OF THE SIXTEENTH CENTURY, DESIGNED BY MAARTEN VAN HEEMSKERCK AND COMPLETED BY PHILIPS GALLE, HAS THE PROVENANCE MARKING “SAMMLUNG BAURAT STIASSNY”. THE ADVISORY BOARD RECENTLY RECOMMENDED ITS RESTITUTION TO SIGMUND STIASSNY’S HEIRS. © ACADEMY OF FINE ARTS

“While they had to live from 1942 in a collective apartment, the fact that they were in a “Mischehe” (mixed marriage) made it possible for Rudolf Perlberger to continue private sales.”

Viennese bookbinder and art collector Adolf Schmidt (1900–1986), which had been given to the Academy of Fine Arts by his widow in 1986. According to Schmidt’s inventory book, he purchased these sheets between 1940 and 1943 from the art dealer Rudolf Perlberger, who was also persecuted by the Nazis (see below). The Board considered these acqui-

tions after the annexation in 1938 as being expropriations in the framework of Nazi persecution and recommended their restitution to the heirs of Sigmund Stiassny.

But the Board also examined Schmidt’s other acquisitions from Rudolf Perlberger (1881–1943), who ran a small antiques and art dealership with his wife Maria (1878–c. 1962) in Vienna. Rudolf, who had left the Jewish community in 1923, presumably because of his marriage, and his “Aryan” wife were persecuted under the Nazis as Jewish and “jüdisch versippt” (related to a Jew). Their antique book and art dealership was entered in the “supplement to the list of non-Aryan and politically unreliable booksellers in Vienna”. In December 1938 the business was deregistered, shortly before the Regulation on the Exclusion of Jews from German Economic Life



THE WATERCOLOUR BY AGUJARI TITO ENTITLED "LAUNCH OF A SHIP IN TRIESTE UNDER THE PATRONAGE OF ARCHDUKE FREDERICK AND ARCHDUCHESS ISABELLA" WAS RECOMMENDED FOR RESTITUTION TO THE HEIRS OF HANNS FISCHL.
© MUSEUM OF MILITARY HISTORY / MILITARY HISTORY INSTITUTE

should ban persons classified as Jews from operating "retail sales outlets, mail order or supply businesses and independent skilled crafts or trades". While they had to live from 1942 in a collective apartment, the fact that they were in a "Mischehe" (mixed marriage) made it possible for Rudolf Perlberger to continue private sales, and he was thus able to do business with Adolf Schmidt until shortly before his death in 1943. In the decision on Sigmund Stiassny, the Board stated that in the case of several expropriations of assets, the restitution claim of the aggrieved owner at the time of the first expropriation has priority. Thus, in the case of the 287 prints and 32 drawings, that Adolf Schmidt acquired from Perlberger between 1938 and 1943, including a study by Gustav Klimt, it regarded Maria and Rudolf Perlberger as the aggrieved owners and Maria Perlberger as the proprietor and heir of her husband, who had died in 1943. [The Art Restitution Advisory Board recommended restitution to the heirs of Maria Perlberger.](#)

The return of 200 objects

The Board also recommended the return of 200 objects that the Viennese lawyer Hanns Fischl (1883–1945) had sold successively to the Museum of Military History after he had lost his lawyer's office and income. Fischl, who had already converted in 1918 from Judaism to the Protestant faith, was persecuted after the annexation as a Jew.

His various attempts to emigrate first to Palestine and later to France all failed. Although he was protected from deportation by being in a "privileged marriage", he was nevertheless arrested by the Gestapo in September 1943 and transported to Auschwitz. The arrest was evidently due to a confusion with the Social Democrat functionary and educational reformer Hans Fischl, who in fact had already managed to flee from Austria. Hanns Fischl was transferred from Auschwitz to Ohrdruf, a satellite camp of Buchenwald, and then in March 1945 to Bergen-Belsen, the "camp



AN EARLY CHALK DRAWING BY GUSTAV KLIMT ENTITLED "PORTRAIT OF A GIRL (SHOULDER, UPWARD LEFT GAZE)"
WAS RECOMMENDED FOR RESTITUTION TO THE HEIRS OF MARIA PERLBERGER. © ACADEMY OF FINE ARTS



“Fischl, who had already converted in 1918 from Judaism to the Protestant faith, was persecuted after the annexation as a Jew.”

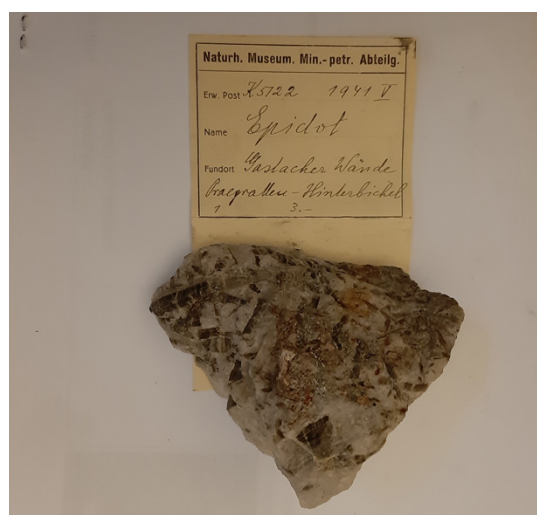
for the dying”, where he is thought to have suffered a violent death. Forced into the role of a supplicant, between 1938 and 1943 he had sold numerous photographs, postcards, prints, lithographs, posters and books to the present-day Museum of Military History / Military History Institute.

As the Board had done previously with collection items in the Austrian National Library, the Technisches Museum Wien, the Austrian Theatre Museum and the Museum of Folk Life and Folk Art, it considered these sales to have been invalid and recommended restitution to the heirs of Hanns Fischl.

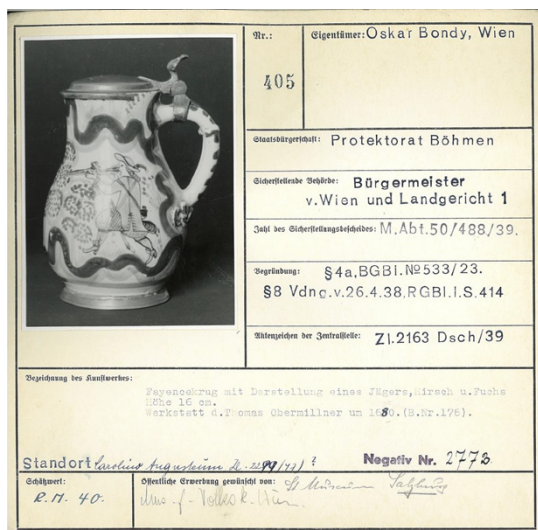
121 Minerals

The Board also recommended the return of 121 minerals that the Viennese mineralogist Hans Leitmeier (1885–1967) sold to the Natural History Museum Vienna between 1941 and 1943. Although Leitmeier had been a member in the 1920s of the antisemitic German nationalist “Bärenhöhle” (bear’s cave) network around Othenio Abel and other German nationalist university professors, he was suspended from the University of Vienna on 31 May 1938 because he was married to a woman considered Jewish. In the absence of a legal justification at this time, the Nazi authorities made use of a law on higher education economies promulgated by the Austrofascist regime in 1934, at a time therefore when the NSDAP was actually banned in Austria. On 21 September 1938, the Gau leadership of the Vienna NSDAP applied for Leitmeier’s suspension to be converted into permanent

retirement on the basis of the Law on the Reorganization of the Austrian Civil Service of 31 May 1938 that had by then entered into force. Apart from the financial loss as a result of the forced retirement, Leitmeier was also unable to continue his research unobstructed. He was refused admission to the Mineralogy Institute and the Petrography Institute and was not able to consult either the library or the collections or to use the laboratories. In summer 1940, he began at his own expense to collect minerals in the south of the Großvenediger, but he was not able to obtain the specimens that he needed for his research. He was thus already obliged in 1941 to give up his research project, as a result of which he decided to part from his collection (or sections of it) and to sell it to the Natural History Museum Vienna.



AN EPIDOTE PURCHASED BY THE NHM MINERALOGY DEPARTMENT IN 1941 FROM HANS LEITMEIER AND NOW RECOMMENDED FOR RESTITUTION ALONG WITH 120 FURTHER MINERALS
© NATURAL HISTORY MUSEUM VIENNA



THE CARD IN THE FILE OF SECURED OBJECTS FROM OSCAR BONDY'S COLLECTION SHOWS A SEVENTEENTH-CENTURY 16 CM FAIENCE JUG BY THOMAS OBERMILLNER WITH A HUNTER, A FOX AND A DEER ON IT. THE OBJECT WAS RECOMMENDED FOR RESTITUTION AT THE 98TH MEETING OF THE ADVISORY BOARD

The Salzburg Museum and Oscar Bondy

At the same meeting, objects were considered that are not owned by the Austrian State but whose holders had requested an assessment by the Advisory Board. Thus, at the request of the Salzburg Museum, the Board considered objects that the museum had acquired following the confiscation of 1,600 objects in the collection of the Jewish industrialist Oscar Bondy. Like a number other Austrian museums after the annexation, the Salzburg Museum had submitted lists to the monuments authority of the objects it wished to acquire, as a result of which 99 objects from the collection were transferred to Salzburg between 1940 and 1942. Oscar Bondy died in 1944 in New York exile, and after the war his widow Elisabeth sought to have the art collection restituted. After some delay, the restitution decision was issued. The Board judged that the donation of three Salzburg faience jugs and a ceramic flowerpot from the seven-

teenth century were closely connected with proceedings under the Export Prohibition Act and should therefore be restituted together with seven objects found in recent years that were not returned to Elisabeth Bondy after their restitution in 1947.

Follow up

If these recommendations are followed up by the Vice-Chancellor and Federal Minister of Art, Culture, the Civil Service and Sport concerning Hans Leitmeier (Natural History Museum Vienna), by the Federal Minister of Education, Science and Research concerning Sigmund Stiassny and Maria Perlberger (Academy of Fine Arts Vienna) and by the Federal Minister of Defence concerning Hanns Fischl (Museum of Military History / Military History Institute), the Commission for Provenance Research will ask the Jewish Community in Vienna (IKG) to identify the legal heirs so that the objects can be handed over. The board of the Salzburg Museum has already stated in advance that it will follow the recommendation concerning the objects from Oscar Bondy's collection currently owned by the city of Salzburg.

The text of the decisions can be found on the Commission for Provenance Research website at www.provenienzforschung.gv.at.

Pia Schölnberger is administrative director of the Commission for Provenance Research and head of the office of the Austrian Art Restitution Advisory Board at the Federal Ministry of Art, Culture, the Civil Service and Sport.



New design



Relaunch of the Lexicon of Austrian Provenance Research 2021

Now also in English with a new design and new entries

KONSTANTIN FERIHUMER, SUSANNE HEHENBERGER

Almost three years ago, in January 2019, the [Lexicon of Austrian Provenance Research](#) published 210 entries online written by 26 authors. Based on an idea by Pia Schölnberger and Leonhard Weidinger, the Lexicon provides interested readers with information about research carried out by members of the Commission for Provenance Research

and other provenance researchers since 1998 on the expropriation of art and cultural items during the Nazi period and their post-war restitution. The brief articles focus on persons and museums, libraries, collectors and those connected with art and cultural policy and trade in art and cultural items in Austria from the 1930s to the 1960s.



Thanks to financing by the Commission for Provenance Research, the tireless commitment of many researchers and the constructive criticism by authors and readers, the website was redesigned in 2021. It is now available not only in German but also in English, and the optimized design also means that it can be easily consulted on mobile devices.

The Lexicon is also being continuously updated, with the result that by the end of 2021, 335 articles by 40 authors will be available in German and English.

The 21 new entries look at selected central figures in the Nazi art and cultural scene and include articles on the Federal Monuments Authority, Kajetan Mühlmann, the (Austrian) National Library and Leopold Ruprecht. There are entries explaining the expropriation structures, such as the entry on the §14 Compulsory surrender of precious metals, jewels and pearls, the history of museums, such as the Leopold Museum, MUMOK or Weltmuseum Wien, and the role of the art trade in the entries on Wolfgang Gurlitt and Kunsthandlung Schebesta. The biographies of museum employees, such as Christine Raab,

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Valerie Raschka, Emmy Schwaighofer and Heinrich Schwarz and of persecuted (art) collectors such as Caroline Czechowiczka, Siegfried Fuchs, Rudolf Gutmann, Otto Herschel, Anton Lanckoroński, Valentin Viktor Rosenfeld and Josef Thenen, are among the latest articles published.

Link to website:
www.lexikon-provenienzforschung.org/en

Konstantin Ferihumer has been working on behalf of the Commission for Provenance Research at the Academy of Fine Arts in Vienna since 2016. He is editor of the Lexicon of Austrian Provenance Research and since 2021 provenance researcher on behalf of the Commission for Provenance Research at Leopold Museum-Privatstiftung.

Susanne Hehenberger is a historian and archivist. She worked as a provenance researcher at the Kunsthistorisches Museum Wien on behalf of the Commission for Provenance Research and is editor of the Lexicon of Austrian Provenance Research since 2018.



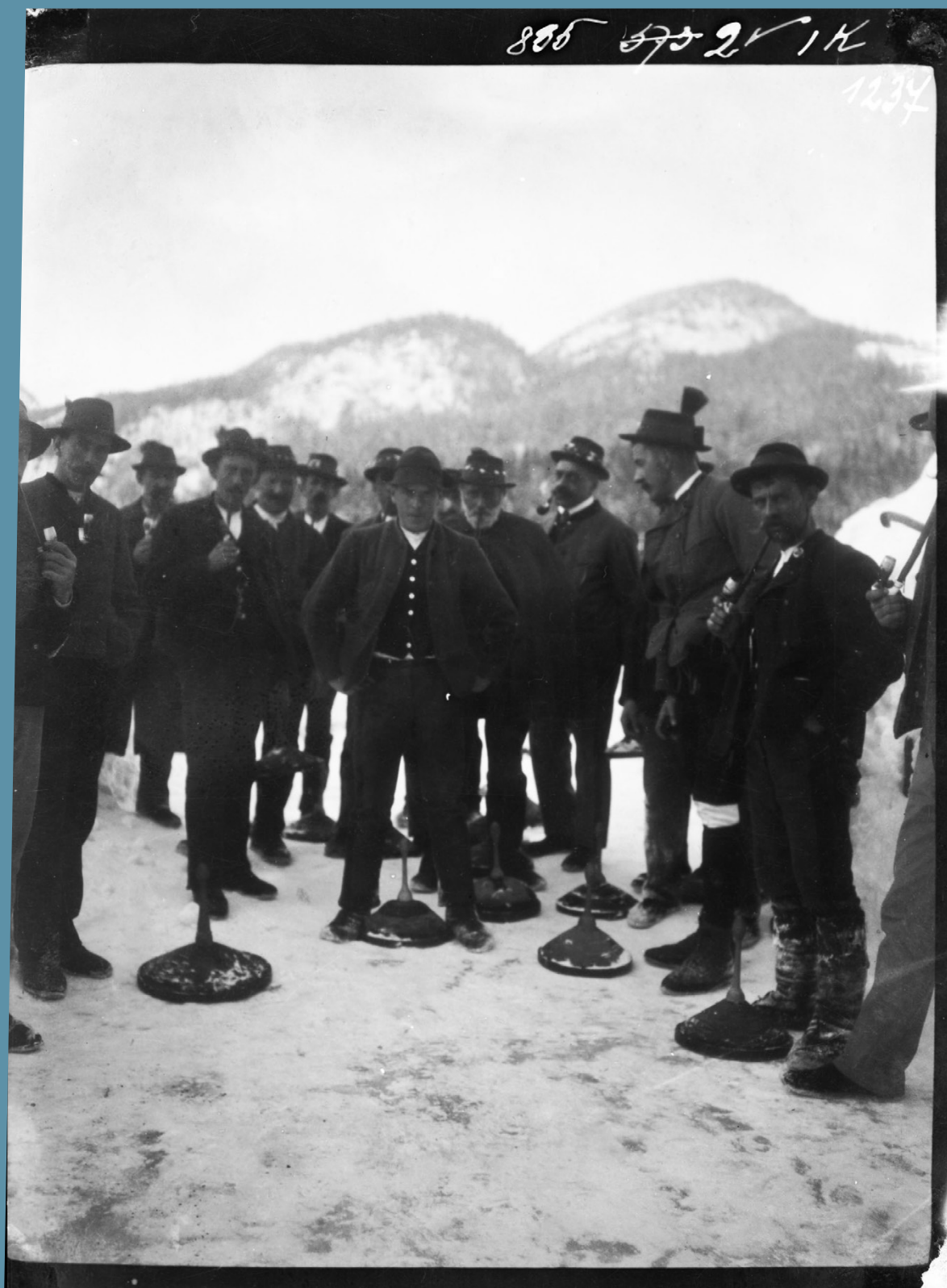
ANNA AND KONRAD MAUTNER WITH THEIR ELDEST SON HIAS, TAKEN AROUND 1912. CREDIT: PHOTOGRAPHER UNKNOWN, THE PHOTO IS PRIVATELY OWNED BY ELISABETH BAUM-BREUER, THE GREAT-NIECE OF ANNA AND KONRAD MAUTNER.

The collections of Anna and Konrad Mautner in the Austrian Museum of Folk Life and Folk Art in Vienna: seized – acquired – restituted – donated – exhibited

CLAUDIA SPRING AND MARIA RAID, AUSTRIAN MUSEUM OF FOLK LIFE AND FOLK ART

Although not required to by law, since 2015 the Austrian Museum of Folk Life and Folk Art (ÖMV) in Vienna, a private museum and association, has been carrying out systematic provenance research in the meaning of the Art Restitution Act, working closely with the Commission for Provenance Research. It also

cooperates with the National Fund for Victims of National Socialism, amongst other things through the regular submission of detailed descriptions and photos of objects of unknown provenance for the Fund's art database, in the hope that further information can be discovered about the objects in this way.



CURLING, GÖSSL IN GRUNDLSEE, BEFORE 1924 | NEG/1237; FROM THE ANNA & KONRAD MAUTNER PHOTO COLLECTION RECOMMENDED FOR RESTITUTION BY THE 97TH SESSION OF THE ART RESTITUTION ADVISORY BOARD © VOLKSKUNDEMUSEUM WIEN

Results of provenance research in the ÖMV to date

The Art Restitution Advisory Board has given recommendations on eight acquisitions by the ÖMV. Five of seven illegally acquired collections ([Siegfried Fuchs](#), [Robert and Marianne Jonas](#), [Anna Mautner](#)/two collections and [Albert Pollak](#)) have been restituted, and in two further cases ([Wilhelm Hernfeld](#) and [Georg Popper](#)) the Vienna Jewish Community (IKG) is still searching for the legal successors. One collection ([Hermine, Paul and Hilde Wittgenstein](#)) was deemed by the Advisory Board to have been acquired legitimately and will remain in the ÖMV. Research into the library of the former Nazi mythology research unit, which has been located in the ÖMV since 1946, has established that the library is owned by the State. Through the conclusion of a loan agreement, the library will remain in the ÖMV and is accessible for research purposes.

Anna and Konrad Mautner – biographical notes

One focus of the provenance research to date has been the collections of Anna (1879–1961) and Konrad Mautner (1880–1924). The Mautner textile manufacturing family, who had residences in Vienna and in Grundlsee in the Salzkammergut in Styria, had close links with the ÖMV from its founding in 1895 and for many years donated objects and money to the museum and the association. This was particularly true of the prominent folklore and folk music researcher Konrad Mautner, who donated 72 folkloric and 28 photo objects to the ÖMV. He published articles on various folkloric subjects in the *Österreichische Zeitschrift für Volkskunde* (ÖZV) and elsewhere. Konrad and his wife Anna, who supported her husband's research in many ways, were well

Anna Mautner founded Mautner Handdrucke in Grundlsee, securing income for herself and her four children by making fabrics for traditional costumes.

acquainted with the founding director Michael Haberlandt (1860–1940) and his son and successor Arthur Haberlandt (1889–1964).

In 1930, after the Mautner'sche Textilfabriken had gone bankrupt, Anna Mautner founded Mautner Handdrucke in Grundlsee, securing income for herself and her four children by making fabrics for traditional costumes. After Austria's annexation to Nazi Germany in March 1938, she was considered to be a Jew according to the Nuremberg Laws and was subject to wide-ranging and systematic persecution by the Nazi regime. She no longer had access to her bank accounts and was forced to pay discriminatory taxes. Her company and house in Grundlsee were expropriated, along with large portions of her folkloric collections. Despite the precarious financial situation, the 60-year-old Anna Mautner and her four children managed to flee to safety abroad in March 1939. They survived the Nazi period in exile in the USA, Canada and Great Britain. Anna Mautner returned to Grundlsee in 1946 from the USA with one of her sons and his family. After drawn-out restitution proceedings, her house in Grundlsee and some of the interior furnishing were returned to her in 1949 along with her company, which she continued to manage until 1954. She spent her last years in Bad Ischl and died there on 3 January 1961 at the age of 81.



The folkloric and photo collection of Anna and Konrad Mautner

In 1938 and 1939, the ÖMV acquired 364 folkloric and 188 photo objects from Anna Mautner. Extensive research has been carried out on these acquisitions, and two dossiers have been compiled. In 2016 and 2021, the Art Restitution Advisory Board recommended the restitution of the collections.

The Mautner folkloric collection

The documents relating to the acquisitions illustrate the active involvement of Arthur Haberlandt, museum director at the time and member of the NSDAP, in the enlargement of the museum collections, also explicitly with objects expropriated from persecutees. On Haberlandt's initiative and in accordance with Section 4a of the Federal Law on the Prohibition of the Export of Objects of Historical, Artistic and Other Cultural Significance (1918), Vienna Municipal Department 2 adopted a decision to secure art objects from the Mautner collection. Anna Mautner's timely appeal was ignored, and the collection was transported immediately to the ÖMV. In February 1939 the ÖMV acquired further objects owned by Anna Mautner.

Recommendation of the Board – implementation in the permanent exhibition

After the Art Restitution Advisory Board recommended in October 2016 that the Mautner folkloric collection should be resti-



CARVED WOODEN FIGURE WITH INVENTORY NUMBER ÖMV/44016, C. 1860, FROM THE ANNA & KONRAD MAUTNER FOLK ART COLLECTION RECOMMENDED FOR RESTITUTION BY THE 82ND SESSION OF THE ART RESTITUTION ADVISORY BOARD ON 5 OCTOBER 2016
PHOTO: CHRISTA KNOTT © VOLKSKUNDEMUSEUM WIEN

tuted, the ÖMV employees decided to put up panels to replace five of these objects that had been on display in the permanent exhibition. The panels contained photos of the objects together with basic information on provenance research and restitution in the ÖMV, on the lives of Anna and Konrad Mautner and their family, on their folkloric research, on the expropriation and acquisition of their collec-



After two further visits by the spokesperson for the Mautner family and exhaustive discussions, the heirs decided in autumn 2019, after removing some personal objects, to donate the majority of the collection to the ÖMV, so that the museum could continue to use it for the permanent exhibition, for research and for future exhibitions.

tion, and on its restitution to their heirs. The gaps in the permanent exhibition drew attention to the additional knowledge that had been acquired through provenance research and recalled how museum collections contained objects that had been stolen or expropriated from men and women persecuted by the Nazi regime. Finally, they highlighted the fact that museums had benefited for many years from their possession of these objects and in some cases continue to do so.

Discussions with the Mautner family – donation of the collection

Two members of the Mautner family visited the ÖMV during a stay in Austria in autumn 2017. They held various discussions with the employees on the history of the collection and the Nazi provenance research findings. The folkloric collection of Anna and Konrad Mautner, although formally restituted, was kept at the request of the family in the ÖMV depot. After two further visits by the spokesperson for the Mautner family and exhaustive discussions, the heirs decided in autumn 2019, after removing some personal objects, to donate the majority of the collection to the ÖMV, so that the museum could continue to use it for the permanent exhibition, for research and for future exhibitions. The

employees were surprised but delighted that this important collection was now legally part of the ÖMV. They were equally surprised and delighted at the appreciation shown by the family for the ÖMV's proactive provenance research.



CURLING STONE WITH INVENTORY NUMBER; FROM THE ANNA & KONRAD MAUTNER FOLK ART COLLECTION RECOMMENDED FOR RESTITUTION BY THE 82ND SESSION OF THE ART RESTITUTION ADVISORY BOARD ON 5 OCTOBER 2016 | PHOTO: CHRISTA KNOTT © VOLKSKUNDEMUSEUM WIEN



Updating of the permanent exhibition after the donation

The employees of the ÖMV discussed how to reintegrate the restituted and now donated five objects from the Mautner collection in the permanent exhibition. They decided to leave them where they had been originally but to keep the panels that had been erected when the objects were removed and to add updated information on the donation. The panels have been translated into English and will soon be translated into French, and an audio guide is also planned for a special guided tour through the permanent exhibition focusing on the subject of provenance research.

The Mautner photo collection

In early 2020, the ÖMV photo collection had 188 photo objects (positives, negatives and slides) formerly owned by Anna and Konrad Mautner. Intensive research revealed that they were part of the Mautner folkloric collection expropriated in 1938. In June 2021, the Art Restitution Advisory Board recommended accordingly that the photo collection should be restituted.

A spokesperson for the Mautner family visited Austria again in September 2021 and held detailed discussions on the research and photo objects, their origins, context and significance. The collection was restituted, but shortly afterwards, in November 2021, the Mautner family decided also to donate this extensive and important collection to the ÖMV and to cede all utilisation rights to the museum – another generous gift to the museum. In this way, both the collections compiled by Anna and Konrad Mautner are available for research and future exhibitions.

To mark this event, the ÖMV is planning an exhibition that will also feature the folkloric and photo collection donated to the museum by the Mautner family.

Twenty-fifth anniversary of the Art Restitution Act – virtual gallery and exhibition

The year 2023 will mark the twenty-fifth anniversary of the promulgation of the Art Restitution Act. To mark this event, the ÖMV is planning an exhibition that will also feature the folkloric and photo collection donated to the museum by the Mautner family.

The exhibition, which opens in April 2023, will be prefaced and accompanied by a virtual gallery on provenance research and restitution, which will be available from autumn 2022. All Austrian museums, collections and libraries where provenance research is carried out under the Art Restitution Act are invited to submit contributions on an object or collection and the associated provenance research. The contributions will be posted on the ÖMV website, documenting the breadth and diversity of this work over the past twenty-five years.

We warmly invite you to visit the museum collection, the virtual gallery and the exhibition on provenance research and restitution.

Claudia Spring is a historian and has worked at the ÖMV since 2015.

Maria Raid is a historian and qualified archivist and has worked at the ÖMV since 2020.



From prehistory to modern times: the Robert Piowaty collection

Anyone working in provenance research and art restitution knows that the process of provenance research, the search for heirs and the final restitution takes time and patience. This is well illustrated by the recent case of Robert Piowaty and the objects owned by him in the Natural History Museum Vienna. At its 36th meeting on 8 November 2006, the Art Restitution Advisory Board recommended the return of numerous prehistoric objects (104 inventory numbers) from the Natural History Museum Vienna to the legal successors Robert and Margarethe Piowaty. After years of extremely complicated research into the heirs and negotiations, the case has now finally been closed after 15 years.

The fate of Robert Piowaty and his family

JULIA UNTERWEGER

The recommendation for restitution is connected with the fate of the Viennese doctor – and amateur mineralogist – Robert Piowaty.

He was born on 20 May 1879 in Brno as the only child of the sausage manufacturer Josef Piowaty and his wife Ernestine, née Kantor, and moved with his family to Vienna towards the end of the nineteenth century, where he studied medicine at the University of Vienna. After his doctorate in June 1903, he practised as a dermatologist and venereologist at the *Kaiser-Franz-Joseph-Abulatorium and Jubiläumsspital*. After serving in the First World War as reserve regimental medical officer in *Landwehrinfanterieregiment* No. 23, he worked as senior police doctor for the 2nd and later the 7th district of Vienna. He also had a chemical microscopy laboratory and published articles in specialist magazines on the treatment of syphilis, gonorrhoea and dermatomycosis.

In his youth, Robert Piowaty had already met his future first wife Sidonie née Herzog, whose first marriage had been to the furniture dealer Julius Wallis. Robert and Sidonie, a soloist in the Vienna State Opera, the *Konzerthaus* and other European and non-European countries performing under the stage name "Nony Paldo", were married on 9 September 1906 in the Vienna City Temple (Stadttempel). They lived in the 7th district,

initially at Burggasse 10, where their daughter Gertrude (Gerda) Luise was born on 2 November 1908. In 1914, the family moved to Neubaugasse 43, where Robert Piowaty was to live until his death.

The first mention of Piowaty's interest in natural history objects can be found in 1909. The annals of the *k.k. Naturhistorisches Hofmuseum*, the present day Natural History Museum Vienna, reported that the Geology and Palaeontology Department had provided information to "Herr Dr. Rob. Piowaty" on an unspecified subject. In March 1912, he took part in an excursion organized by the *Naturwissenschaftlicher Verein* at the University of Vienna and headed by the geologist Hermann Vettiers to Nikolsburg/Mikulov and the Pavlovské vrchy mountains to study "the Jura limestone mountains and the tertiary deposits at its edge". He was also a member of the *kaiserlich-königliche Geographische Gesellschaft* (Imperial Royal Geographical Society).

After his divorce from Sidonie, Robert married again in 1921 in a civil ceremony to Margarethe, née Lang, a Protestant 14 years younger than him. The couple were childless. Robert Piowaty's daughter Gertrude completed her training as a dressmaker in 1927 at the *Fachlehranstalt für das Bekleidungsgewerbe* (Textile and Design College) in Michelbeuern in Vienna. In May 1935, she was married in the Vienna City Temple to the textile engineer



SOME OF THE ARTEFACTS FROM THE ROBERT PIOWATY COLLECTION PHOTO: CHRISTINA RITTMANSPERGER
© NHM VIENNA

Rudolf Bassist, four years older than her, from Jihlava/Iglau. The couple lived at first with Sidonie at Hernalser Gürtel in the 17th district and spent a lot of time in the small family summerhouse in Greifenstein in Höflein an der Donau in Lower Austria. After 1937 in particular, the couple moved at least five times in Vienna.

Following the annexation of Austria to Nazi Germany in March 1938, the Jewish population suffered massive discrimination and deprivation of rights. Less than three months after the annexation, Robert Piowaty, who as a Jewish doctor had been subject to considerable coercion at the personal and professional levels, committed suicide. He died in the night of 23 June 1938 of morphine poisoning. At his request, his urn was buried on 8 July in his parents' grave in Vienna Central Cemetery.

Following the annexation of Austria to Nazi Germany in March 1938, the Jewish population suffered massive discrimination and deprivation of rights.

His wife Margarethe Piowaty and daughter Gertrude Bassist inherited the deceased's estate, including his collection of prehistoric objects from archaeological sites typical of a certain periods in the development of early history (see the description of the collection below). In October 1938, four months after Robert Piowaty's death, the Prehistoric Department of the Natural History Museum

His employer complained to the Chamber of Industry and Commerce in Chemnitz about Bassist's arrest, saying he was a "jersey expert" indispensable for the conclusion of orders abroad. Five weeks later, on 16 December 1938, he was released from Buchenwald thanks to this intervention.

Vienna acquired objects, evidently from Margarethe Piowaty, for 60 Reichsmarks. The department accession book lists the collection under number 219 with the description "Piowaty-Lang, private collection".

At this time, Gerda's husband Rudolf Bassist was working as a mechanical engineer for Emil Wirth in Hartmannsdorf near Chemnitz in the German Reich, where he designed knitting machines, which he installed for customers abroad. He was in Chemnitz in November 1938, when he was arrested during the November Pogrom and deported to Buchenwald. He had inmate number 24228 and was in the special camp erected by the SS for Jews arrested during the Pogrom night. His employer complained to the Chamber of Industry and Commerce in Chemnitz about Bassist's arrest, saying he was a "jersey expert" indispensable for the conclusion of orders abroad. Five weeks later, on 16 December 1938, he was released from Buchenwald thanks to this intervention.

In January 1939, Gerda and Rudolf Bassist were registered at Dresdner Straße 34 in Chemnitz. From there they applied for passports to leave for Trinidad, although they never arrived there. On 13 April 1939 they left Hamburg on *SS President Roosevelt* for the USA, where they arrived 10 days later. They settled in New York, where Rudolf was hired that year as an engineer with Futura Fabrics.

Gerda advertised in newspapers for dress-making work.

After her husband's death, Margarethe Piowaty remained in Vienna and died there on 2 August 1972, making her stepdaughter Gerda Bassist her sole heir.

Rudolf and Gerda Bassist moved in 1968 to Lancaster, Pennsylvania, where they were active members of the Jewish community. Before his death, Rudolf registered 34 patents in the USA for knitting machines. Gerda Bassist died after a short illness in 2001 at the age of 93.



PORTRAIT OF ROBERT PIOWATY FROM THE MAGAZINE "ÖFFENTLICHE SICHERHEIT: POLIZEI-RUNDSCHAU DER ÖSTERREICHISCHEN BUNDES- UND GEMEINDEPOLIZEI SOWIE GENDARMERIE," NO. 1-2, 1931, P. 27.



Restitution and whereabouts of the objects

MATHIAS LICHTENWAGNER

A few years after Gerda Bassist's death, the prehistoric objects that had been stored since October 1938 in the Prehistoric Department of the Natural History Museum Vienna, became the focus of provenance research, which shed light on the tragic fate of their original owner.

In 2006, the Commission for Provenance Research presented a dossier on the objects from the Piowaty collection, on the basis of which on 8 November of that year the Art Restitution Advisory Board recommended restitution. To clarify the inheritance, the Jewish Community Vienna (IKG) was requested by the ministry to help in obtaining the necessary documents, and a legal expert was commissioned to provide an opinion on the inheritance. He stated that two animal protection organizations in the USA, the Humane League of Lancaster County (now Humane Pennsylvania) and the Organization for the Responsible Care of Animals (ORCA) were entitled to restitution.

Before the objects could be actually returned, however, a number of obstacles had to be overcome, not least because of the unusual situation of prehistoric objects, on the one hand, and the fact that the two non-profit organizations were outside Europe on the other. Added to this was the fact that one of the organizations had changed its legal status and name, which had first to be adequately demonstrated.

Ultimately an agreement was concluded in 2021. The NHM Vienna repurchased some of the objects directly from the organizations

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they had been formally transferred to, and the rest were purchased from them by the IKG and donated to the museum. They remain available there for research and teaching. It was also agreed that attention should be drawn to Robert Piowaty's particular history. Three sample objects were taken back by Humane Pennsylvania and transferred to the USA with the mediation of the Federal Ministry of European and International Affairs. They are to be exhibited in a showcase at the animal protection centre with an explanatory text to illustrate the story of the objects and the fate of Robert Piowaty there.

Julia Unterweger works in the bureau of the Commission for Provenance Research and is a master's degree student of contemporary history at the University of Vienna.

Mathias Lichtenwagner works in the Restitution Department of the IKG Vienna and is involved in identifying heirs in restitution cases.



DOCUMENTATION ON THE ACQUISITION OF OBJECTS IN THE PREHISTORIC DEPARTMENT
INVENTORY BOOKS, NHM VIENNA | PHOTO: CHRISTINA RITTMANSPERGER © NHM VIENNA

The Robert Piowaty collection in the Natural History Museum Vienna

KARINA GRÖMER AND WALPURGA ANTL

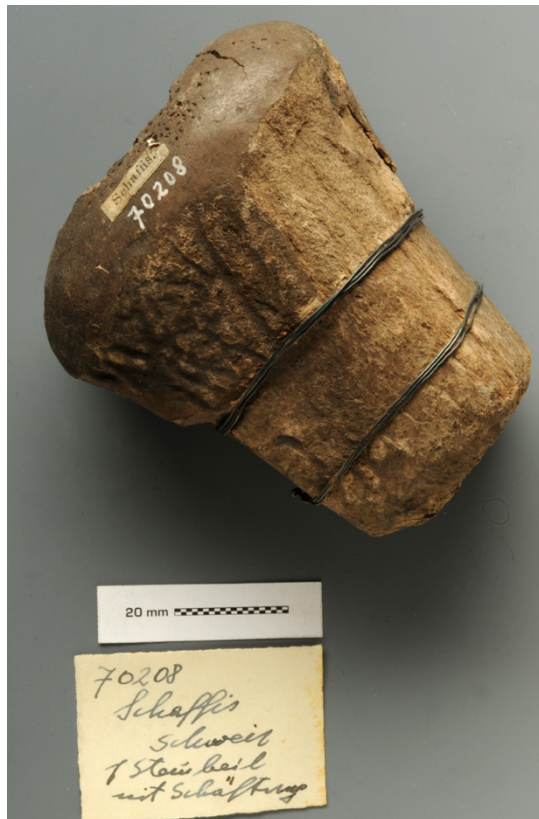
There are probably very few cases in which prehistoric and modern history come together as they do through the life of Robert and Margarethe Piowaty, their collection and Austria's obligation to restitute the objects to their heirs.

The Piowaty collection has a wide variety of artefacts, including Iron Age objects from Hallstatt, Roman finds from Turkey, various ceramic fragments, Palaeolithic stone tools from France and finds from the Neolithic period from Swiss lakeside settlements. Their condition varies considerably. Many of

the stone objects are completely preserved; the metal objects are fragmented to varying degrees, and the ceramic objects are only preserved as small pot shards.

Flint artefacts, France

The oldest artefacts in the Piowaty collection are stone tools and weapons from France. They represent the important era of the late Neanderthals before modern humans – *homo sapiens sapiens* – arrived in Europe. The artefacts from La Micoque and Le Moustier – scrapers and a fragmented hand axe – date back to 60,000 and 40,000 BCE. The collection also contains various stone artefacts such as cores, burins, modified blades and bladelets from Gorge d'Enfer with a date between 40,000 and 12,000 BCE. This is the time of the hunter-gatherer societies of the last Ice Age.



Neolithic artefacts from Lake Constance and Switzerland

Artefacts from early farming communities of the Neolithic are also among the objects Robert and Margarethe Piowaty were interested in. Like other private collectors, they purchased stone tools. The artefacts come from pile dwellings (c. 3800–3000 BCE), which have been part of the UNESCO World Heritage site “Lakeside dwellings around the Alps” for 10 years. Of particular interest among the artefacts are axes with mountings made of deer antlers, which were used as tools and weapons.

Finds from Hallstatt, Austria

The artefacts from Hallstatt are of particular interest for the collections of the Prehistoric Department of the NHM Vienna, as it is a very important site in European prehistory. The cemetery found in the high valley above Hallstatt gave its name to an epoch of European prehistory – the Hallstatt Culture between 800 and 400 BCE. The site and the surrounding region are also a UNESCO World Heritage site. The museum has been involved in archaeological investigations on this site since the beginning of this research in the nineteenth century, and owns the largest collection from Hallstatt in Austria.

The items in the Piowaty collection from Hallstatt might have been grave goods excavated by locals and then sold to interested collectors. Grave assemblages at Hallstatt usually consist of tools, jewellery, symbols of social rank and supplies e.g. vessels for food and knives, for the journey of the deceased

TWO OF THE ARTEFACTS SENT TO THE USA (SPEAR HEAD FROM TURKEY; NEOLITHIC ANTLER TOOL FROM SCHAFFIS, SWITZERLAND) PHOTO: ALICE SCHUMACHER © NHM VIENNA



GROUP PHOTO OF THE TRANSFER OF THE ARTEFACTS TO THE IKG IN VIENNA AND THE RETURN TO THE NATURAL HISTORY MUSEUM VIENNA ON 15 NOVEMBER 2021, PHOTO: CHRISTINA RITTMANSPERGER, © NHM VIENNA

Private collectors active at the beginning of the twentieth century typically collected a variety of objects providing an overview of the history of mankind.

to the afterworld. The Hallstatt collection at the Natural History Museum Vienna contains metal objects (gold, copper, bronze, iron, silver), organic materials (leather, wood, textiles, amber and ivory) and ceramics. The artefacts collected by Robert Piowaty are fragmented bronze objects such as bracelets or pins, and one iron brooch.

Other artefacts

Private collectors active at the beginning of the twentieth century typically collected a variety of objects providing an overview of the history of mankind. The Piowaty collection also contains ceramics from France. Pot shards are among the most frequent finds on prehistoric sites. Pottery was used for

cooking, keeping water and storage. There are also various Roman finds from Turkey, including some fragments and iron weapons. They might have been collected as typical stray finds from a Roman settlement

The Prehistoric Department is grateful to be able to keep these finds as an entire collection. Three artefacts have been selected to be sent to the USA. The other objects remain in the museum's collections. We would like to take this opportunity to express our thanks for this generous gift. It has been recently incorporated in the museum's collections with the indication "Donation IKG Vienna, 2021, in memoriam to Robert Piowaty (1879–1938)".

Karina Grömer is an archaeologist and interim head of the Prehistoric Department of the Natural History Museum Vienna.

Walpurga Antl-Weiser is head of the Old and New Stone Age collections and the library of the Prehistoric Department of the Natural History Museum Vienna.

CIVS Activity Report 2020

The CIVS 2020 Activity Report has been published and is from now on available online in English and French, following soon in German. This edition retraces the activities carried out by the Commission during 2020. Continuing its mission during a health crisis that disrupted, or altogether halted, most commercial and non-commercial activities alike for the majority of 2020 was a real challenge for CIVS. Also *2020 was decidedly unique in that CIVS began performing new missions. Stressed* Michel Jeannotot, Chairman of CIVS

This year, the Commission's report stands out in two ways:

While the first part reminds the reports on the reparations and remembrance activities of the Commission during the year 2020, particularly affected by the



health crisis. The second part makes the first assessment of the implementation of the new mechanism for cultural spoliation in cooperation with the Mission for Research and Restitution of Spoliated Cultural Property between 1933 and 1945 - M2RS.

Discover the CIVS 2020 Activity Report:
http://www.civs.gouv.fr/images/pdf/UK_CIVS_rapport%202020_vD%C3%A9f.pdf

In France, a bill for the return and restitution of looted works of art

On November 3, the Council of Ministers examined a bill relating to the handover or restitution of fourteen looted works. This bill, presented by the Prime Minister and the Minister of Culture, includes three articles.

The first one aims the restitution to Eleonore (Nora) Stiasny's rightful owners of "Rosebushes under the Trees", a painting by Gustav Klimt kept at the Musée d'Orsay (Paris). After the Anschluss (March 12, 1938) and the beginning of the persecution of the Jews, Eleonore Stiasny was forced to sell her painting, then referred to in historical



CARREFOUR À SANNOIS BY MAURICE UTRILLO © MUSÉE UTRILLO-VALADON

documents as “Apple Tree”, in order to survive and to meet the financial requirements of the Austrian authorities. The painting was sold at a low price to Philipp Häusler, a former acquaintance of Nora Stiasny, professor and for a short period of time director of the University of Applied Arts in Vienna, and Nazi activist. In 1942, Nora Stiasny was deported and murdered, as were her mother, her husband, their son, and other family members.

The second article deals with the delivery of twelve works of art by Jean-Louis Forain, Constantin Guys, Henry Monnier, Camille Roqueplan and Pierre-Jules Mène, purchased by the State at the sale of the Armand Dorville collection in June 1942. At this sale, which took place in Nice at the Hôtel Savoy from June 24 to 27, 1942, the head of the Louvre’s painting

Eleonore Stiasny was forced to sell her painting, then referred to in historical documents as “Apple Tree”, in order to survive and to meet the financial requirements of the Austrian authorities.

department acquired these twelve works, which are now in the custody of the Louvre, the Musée d’Orsay and the Château de Compiègne. Their handover is based on the recommendation made by the CIVS on May 17, 2021. The Commission considered that

the June 1942 sale was not spoliatory in itself, insofar as it had been wanted and organized by the heirs of Armand Dorville, but that the temporary blocking of the proceeds of the sale due to the latter and the tragic fate of several of them justified in equity reparation measures.

The third article concerns the painting « *Carrefour à Sannois* » by Maurice Utrillo, kept in the Utrillo-Valadon Museum in Sannois (near Paris). The apartment of the French Jewish art dealer Georges Bernheim was looted by the Einsatzstab Reichsleiter Rosenberg (ERR) on December 11, 1940. Among the stolen goods was the painting « *Carrefour à Sannois* ». The painting was supposed to join the Goering collection, but was exchanged by Bruno Lohse, Goering's representative in Paris. The journey of the painting until its reappearance on the art market in 1972 remains unknown. It was sold in London in 1972, then in 1975, in New York in 1995, and finally in London on June 22, 2004, the date of its purchase by the city of Sannois. Seized by the heirs of Georges Bernheim, the CIVS recognized the spoliation and recommended on February 16, 2018, the restitution of the work. Following this recommendation, the city council of Sannois unanimously adopted on May 31, 2018, a deliberation going in this direction.

“In France, heritage law does not allow works to be removed from public collections, even if their spoliation is proven, that is due to the inalienable nature of these collections.”

The Heritage Code lacks a legislative provision that would create an exception to the principle of inalienability and facilitate the removal of works from national and territorial collections once the spoliation is proved.

Why a law?

In France, heritage law does not allow works to be removed from public collections, even if their spoliation is proven, that is due to the inalienable nature of these collections. While provenance research carried out by the *Mission de recherche et de restitution des biens culturels spoliés entre 1933 et 1945* (Ministry of Culture) and by some museums reveal spoliated works in public collections, French law only allows the removal of these works by law.

The Heritage Code lacks a legislative provision that would create an exception to the principle of inalienability and facilitate the removal of works from national and territorial collections once the spoliation is proved. France has not yet adopted such a provision, which is why a law is still needed to return works that have entered the public domain. The bill, introduced in the National Assembly on November 3, is an historic first. Until then, no law had provided for the restitution of looted property belonging to public collections.

As of the entry into force of this law, the administration will have a maximum of one year to return these works to their rightful owners.



BOATS ON A ROUGH SEA NEAR A ROCKY COAST © CHATEAU-MUSÉE DE DIEPPE – BERTRAND LEGROS

Cases study

On September 10, 2021, two plenary sessions were held at the *Commission for the Compensation of Victims of Spoliation Resulting from the Anti-Semitic Legislation in Force during the Occupation* – CIVS - headquarters in Paris to examine two cases likely to lead to the restitution of three works from the MNR (Musée Nationaux de Récupération, *National Recovery Museum*). In the same way as the last 3 cases of summer 2021 (see the last network newsletter), those cases are part of a new gene-

ration of application which, thanks to the 2018 reform, have been submitted by the Ministry of Culture and not by a claimant or rightful owner. In fact, in the framework of the article 1-2 of the modified decree n°99-778, the *Mission for Research and Restitution of Spoliated Cultural Property between 1933 and 1945* - M2RS – can refer a restitution file to CIVS relating to artworks that were repatriated to France after the Second World War.

“She died in deportation a few months later. Meanwhile, their apartment was plundered by the Einsatzstab Reichsleiters ROSENBERG (E.R.R.) as part of the “Möbel Aktion”.

Case 1 :

The historical context

Abraham BARGEBOER and his wife, Minna KIRCHHEIMER, Dutch nationals, settled before war in Nice (Alpes-Maritimes, France), where they last lived at 53 boulevard Victor Hugo. Fleeing Germany, where the KIRCHHEIMER family originated, due to the anti-Semitic persecution, Ruth KIRCHHEIMER, was collected by her paternal aunt, Minna KIRCHHEIMER in 1942. Mr and Mrs BARGEBOER, having no children, drew up in a common will, dated 16 December 1943, making their niece Ruth KIRCHHEIMER universal legatee of their property under certain conditions. They both were arrested in early 1944. He died in the prison of Nice at the end of January 1944. She died in deportation a few months later. Meanwhile, their apartment was plundered by the Einsatzstab Reichsleiters ROSENBERG (E.R.R.) as part of the “Möbel Aktion” (furniture action). At the same time, Ruth KIRCHHEIMER was hidden by the St. Thérèse Catholic Institute, which participated in the network organized in the defence of Jews and the hiding of children. She was entrusted to the Maison de la Sainte-Enfance in Digne-les-Bains (Alpes-de-Haute-Provence, France) and then converted to Catholicism.

The opening of Mr and Mrs BARGEBOER's will was carried out, pursuant to an order issued by the President of the Civil Court

of Nice, on 14 February 1947. However, Ruth KIRCHHEIMER, the named legatee, took no interest in this bequest and made no request for its issuance. Likewise, no action was taken with the French and German authorities to recover Mr and Mrs BARGEBOER's property after the war. Ruth KIRCHHEIMER died in 2003 in a house belonging to the congregation of the Sisters of Charity, where she had retired.

The research

The searches carried out and their results on file reveal that most of the property in the Nice residence, 53 boulevard Victor Hugo, was plundered in 1944 by the Occupation authorities and transferred to Germany. Three paintings belonging to Mr and Mrs BARGEBOER are thus described in the lists drawn up by the E.R.R., corresponding to the pillage of art works in Nice in June 1944: “*three fishermen*”, 22 x 27 cm, “*beach with boat*”, 80 x 64 cm, copy in the style of Jan Steen, 60 x 65 cm. The investigations carried out by the M2RS indicate that a “seascape” was effectively seized in June 1944, at the aforementioned residence, within the framework of the “Möbel Aktion” conducted on the Cote-d’Azur by the E.R.R. This work was transferred to the Kogl castle in Austria. It was registered, on 15 March 1946, at the Central Collecting Point in Munich, and issued a “*property card*”. It returned to France on 25 September 1947.

“However, Ruth KIRCHHEIMER, the named legatee, took no interest in this bequest and made no request for its issuance.”

The body of evidence is consistent with the place of despoilment and the owner of the painting.

It is established that this painting, which today bears the number MNR 645, was indeed seized at the Nice residence of Mr and Mrs BARGEBOER. It appears to correspond to the table with the title of *"beach with boat"*, appearing on the list of *"three BARGEBOER works"* and today called *"boats on a rough sea near a rocky coast, 17th century"*.

The recommendation

The CIVS's panel, examining this case on September 10 of this year, considered that the work called *"beach with boat"* by the Occupation authorities, was part of the works stolen by the E.R.R. in Nice (Alpes-Maritimes) in 1944. The body of evidence is consistent with the place of despoilment and the owner of the painting. It is certain that the last legitimate owners of this work were Abraham BARGEBOER and his wife Minna KIRCHHEIMER, and that they were despoiled in the context of anti-Semitic legislation in force in France during the Occupation.

Regarding the successors of Abraham BARGEBOER and his wife Minna KIRCHHEIMER, it is recalled that a conjunctive will is not valid under French or Dutch law. The CIVS considers, however, that if the will was not contested at the time, the bequest was also not issued, and Ruth KIRCHHEIMER was entitled to dispose of it. The CIVS therefore considers that all the successors of Abraham BARGEBOER and his wife Minna KIRCHHEIMER should be considered according to their respective rights in the BARGEBOER joint ownership.

Consequently, in the light of the elements of the case and the opinion expressed by the competent administrative authorities, the CIVS recommended to return to the successors of Abraham BARGEBOER and his wife Minna KIRCHHEIMER, the painting *"boats on a rough sea near a rocky coast"*, covered on the inventory of the Louvre Museum and kept at the Chateau-Musée de Dieppe (Seine-Maritime).

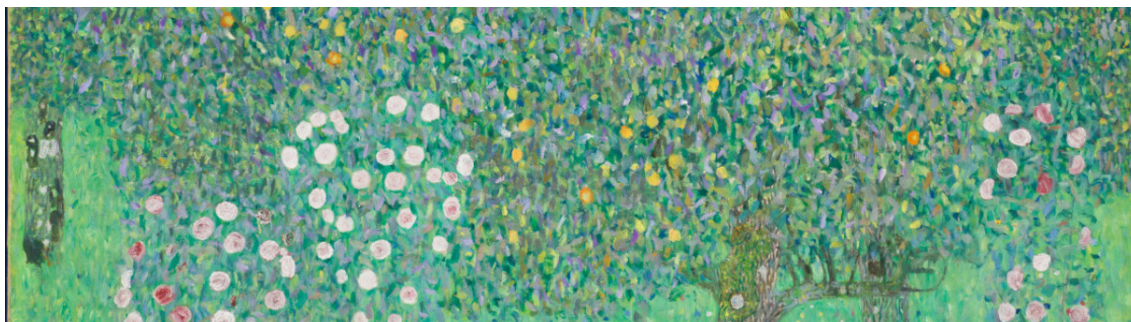
However, the number of successors, who are not present in the context of the proceedings, prevents the physical handing over of the work to the successors of Mr and Mrs BARGEBOER. They intend to place the work in question at the Museum of the Art and History of Judaism.

Case 2 :

The historical context

Four works of art inventoried by the *Einsatzstab Reichsleiters Rosenberg* (E.R.R.) were seized on 19 January 1944 by the *Dienststelle Westen* from a certain JURALIDES at 5, rue Maubourg in Paris:

- *Food, fruit and glasses on a table*, by Pieter BINOIT, originally attributed to Floris van SCHOOTEN, 17th century, German school, oil on wood (56 x 77 cm),
- *Still life with ham*, by Floris van SCHOOTEN, 17th century, Dutch school, oil on wood (62 x 83 cm),



ROSEBUSHES UNDER THE TREES BY GUSTAV KLIMT © MUSÉE D'ORSAY GRAND PALAIS PATRICE SCHMIDT

“These works appear to have been found in Nikolsburg Castle in the Czech Republic where they escaped a fire.”

- *Farmer working in the orchard*, by Leonard JARRAUD, 19th century, oil on canvas (38,5 x 46 cm),
- *View of a port with the city in the background*, by Willem van DE VELDE III, late 17th century, oil on canvas (48.5 x 57 cm).

These works appear to have been found in Nikolsburg Castle in the Czech Republic where they escaped a fire. They were registered at the Central Collecting Point in Munich and repatriated to France on 30 October 1946. After the war, the research carried out by the *Commission de Récupération Artistique*, (Artistic Recovery Committee - C.R.A.) on behalf of JURALIDES did not lead to the return of these paintings. Therefore, on 25 October 1950, during a commission to select works for artistic recovery, only two of the four paintings, henceforth called MNR, 708 and 709, were entrusted to the *Musée du Louvre* (Department of Paintings) by the *Office des biens et intérêts privés* (O.B.I.P.).

The research

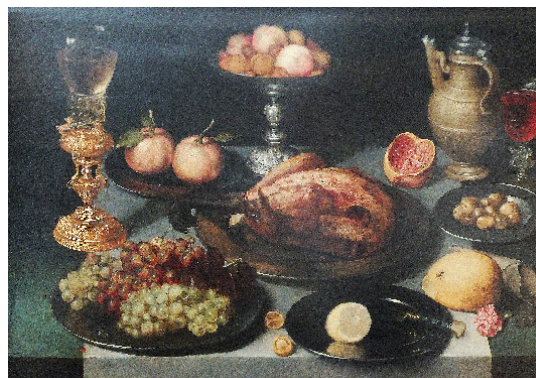
Searches in the various directories and indexes to find a “JURALIDES” family proved to be vain, as this name does not appear anywhere. In addition, the address “5, rue Maubourg”, which appears on the E.R.R. inventory, appears to be erroneous. As no rue Maubourg exists in Paris, the address “5, rue Maubourg” undoubtedly corresponds to 5, boulevard de la Tour-Maubourg. It was also considered that the name “JURALIDES” was probably misspelled, leading to a misreading of the word *Invalides*, as this monument is close to *Boulevard de la Tour-Maubourg*. Their results, which were added to the file, reveal that at 5, boulevard de la Tour-Maubourg, there was a private mansion belonging to Emile JAVAL and his wife Maria ELLISSEN. Emile JAVAL died in 1907 and Maria ELLISSEN, widow of JAVAL, died there on 13 January 1933, leaving her daughter Mathilde JAVAL.

During the Occupation, the building was Aryanised and provided with a temporary administrator who granted a lease to the *Deutsche Akademie*. Mathilde JAVAL indicated after the war, in a letter addressed on 28 November 1945 to the President of the C.R.A., that this private hotel had been emptied of its contents on 13 or 14 January 1944. Mathilde JAVAL lived in the house, which she shared with her brother Louis-Adolphe JAVAL and her



two sisters, Alice JAVAL married WEILER and Jeanne JAVAL married WEISS. Mathilde JAVAL died in 1947 without descendants and designated her grand-nephews and grand-nieces as universal beneficiaries. Nevertheless, it was the JAVAL family that sold the mansion by mutual agreement on 16 December 1948 to the civil company of 5, *boulevard de la Tour-Maubourg*.

The information transmitted by the M2RS shows that the two MNR are linked to the collection of works of art held by the JAVAL family before the Second World War in the private mansion located at 5, *boulevard de la Tour-Maubourg* in the 7th arrondissement in Paris. Indeed, the presence of Dutch paintings in this private mansion is mentioned in a note dated 27 January 1933 from the curator of the Department of Paintings at the Louvre Museum to the Director of the National Museums, relating the plan to visit this address with Louis-Adolphe JAVAL, son of Maria ELLISSEN and Emile JAVAL. Moreover, the dates of entry indicated by Mathilde JAVAL and that of the E.R.R. inventory are close. Finally, one of the other paintings in the E.R.R. inventory, *Farmer working in the orchard* by Léonard JARRAUD, was returned at his request, on 15 July 1950, to Paul-Louis



FOOD, FRUIT AND GLASSES ON A TABLE
BY PIETER BINOIT © MUSÉE DU LOUVRE

WEILLER, grandson of Mrs Maria ELLISSEN, widow of JAVAL, and son of Alice JAVAL, wife of WEILER, who died in the deportation, and Lazare WEILLER. The latter was close to this artist.

The recommendation

The CIVS considered that these two works belonged to the JAVAL family and that they were looted under the anti-Semitic laws in force in France during the Occupation. Consequently, in view of the elements in the file and the opinion expressed by the competent administrative authorities, an oil on wood, *Still life with ham*, by Floris van SHOOTEN, listed in the inventory of the Musée du Louvre under number MNR 708, and an oil on wood, *Food, fruit and glasses on a table*, by Pieter BINOIT, listed in the inventory of the Musée du Louvre under number MNR 709, should be returned to the JAVAL consorts.



STILL LIFE WITH HAM BY FLORIS VAN SCHOOTEN
© MUSÉE DU LOUVRE

ADDENDUM

Why a “Restatement of Restitution Rules for Nazi-Confiscated Art”?

Observations on the “weighing of interests” in light of the Kohnstamm Report

Why a “Restatement of Restitution Rules for Nazi-Confiscated Art”?

Observations on the “weighing of interests” in light of the Kohnstamm Report

MATTHIAS WELLER / TESSA SCHELLER*

I. Introduction

To mark its tenth anniversary on Tuesday 27 November 2012, the Dutch Restitutions Committee staged an international symposium at the Peace Palace in The Hague.¹ At this conference, the idea of a restatement of restitution principles and rules was presented for the first time.² It took until 2019 to get started³ with a team of eight research fellows,⁴ financed by the Commissioner for Culture and Media of the Federal Government of Germany upon application for a research grant.

Our project is looking at the restitution practice as it has developed since the Washington Principles. From the many decisions and recommendations,⁵ recurring principles and rules determining the practice will be “distilled”. Explanations and comments will be added. Selected cases that support or contradict a point will be briefly summarised, including, e.g. outdated positions and new trends. This is a technique well-known from the US-American Restatements of the Law by the highly

esteemed American Law Institute (ALI).⁶ Its method perfectly functions in an area of justice outside the patterns of the applicable law as well, in order to make visible the “grammar”⁷ of justice in our field, or, to put it in the words of an eminent German legal philosopher and one of the (former) members of the German Advisory Commission, the structure of the relevant “relations of justice” (“*Gerechtigkeitsverhältnisse*”).⁸

* Professor Dr Matthias Weller, Mag. rer. publ., Alfried Krupp von Bohlen und Halbach Professor for Civil Law, Art and Cultural Property Law, Director of the Institute for German and International Civil Procedural Law, Rheinische Friedrich Wilhelms University Bonn, Germany. Ass. iur. Tessa Scheller, M.Sc., Research Fellow and PhD candidate there. Special thanks go to those who took the effort of providing us with their – valuable – comments on preprints they had received from us.

“One of the central take-aways for our project was that providing insights from an international and comparative perspective helps evaluating and reacting adequately to points of controversy.”

Restatements do not produce any binding rules. They are scholarly texts, infused by expertise from practice, as it currently stands. They aim at providing a reliable and persuasive tool for orienting, comparing, evaluating, guiding and further developing the practice.⁹ As opposed to model rules that present a set of “best practice” rules (as perceived by their drafters), a restatement takes account of the present state of practice. A restatement does not raise the claim that the current practice lives up to an agreed idea of best practice but its findings about the reality may be taken as a starting point for informed and thus meaningful discussion for normative improvement.

Our restatement project is based on a comparative perspective.¹⁰ It focuses primarily on the practice in five countries. These five countries are Germany, Austria, the Netherlands, France and the United Kingdom. Why these five? Because (only) these five established a commission¹¹ in the sense of Washington Principles 10 and 11.¹² In addition, our Restatement will include Switzerland, as there is a (limited, and unfortunately only partly public, but still significant) practice of restitution outside state court litigation, and evidently Switzerland lies at the heart of quite a number of cases. Selected cases from elsewhere may be occasionally considered on an ad hoc basis.¹³ Other jurisdictions may be included fully and systematically in follow-up editions of the first version.¹⁴ Obviously, a restatement

is never perfect and never finished. Rather, it is “living” and constantly evolving – as practice, theory, positions and opinions underlying and constituting its rules.

II. The Talk on the Kohnstamm Report

Against this background and motivated to better understand the current controversies and developments in the Netherlands, we recently suggested organising a webinar on the Kohnstamm Report.¹⁵ It took place on 3rd February 2021, co-hosted by the Forschungsstelle Provenienzforschung, Kunst- und Kulturgutschutz at the Rheinische Friedrich Wilhelms University of Bonn, Germany, and the Center for the History of the Dutch Jewry at the Hebrew University of Jerusalem.¹⁶ Once more our sincere thanks to Alfred Fass and the Center to join in and to co-moderate and co-host our event so perfectly and in such a good spirit.

All of us felt greatly honoured to receive positive responses to our invitations to the chair of the Kohnstamm Committee, Jacob Kohnstamm¹⁷, and one of its members, Rob Polak, for their key notes, as well as to two further panellists, Gert-Jan van den Bergh¹⁸ and André Boers.¹⁹ More than 300 participants from all over the world followed the

event. Nearly 60 questions were submitted during the discussion in the chat. We were able to answer some of them directly in the session, some others in follow-up communications.²⁰

III. Weighing of interests in a theoretical and comparative context

One of the central take-aways for our project was that providing insights from an international and comparative perspective helps evaluating and reacting adequately to points of controversy. In the following, we will briefly illustrate the merits of such a perspective by reflecting on a point that relates to a core issue in the Kohnstamm Report, the “weighing of interests”.

1. Theoretical observations on “justice”

From a theoretical viewpoint, weighing of interests is inherent to any notion of “justice”. Since Aristotle it is generally accepted that justice has to do with equality – “treat like cases alike” – and proportionality – “justice is .. something proportional”.²¹ Proportionality requires putting positions and underlying interests into proportion. Washington Principle No. 8 takes this up and tells us that “*just and fair solutions*” include “*recognizing this may vary according to the facts and circumstances surrounding a specific case*”. Stuart Eizenstat explained in the Conference Materials on this very point: “*After existing art works have been matched with documented losses comes the delicate process of reconciling competing equities of ownership to produce a just and fair solution - the subject of the eighth and ninth principle*”.²² Reconciling competing equities

of ownership is weighing of conflicting interests.²³

Eizenstat went on as follows: “*We can begin by recognizing this as a moral matter -- we should not apply the ordinary rules designed for commercial transactions of societies that operate under the rule of law to people whose property and very lives were taken by one of the most profoundly illegal regimes the world has ever known. In this regard, the U.S. Government applauds the courageous decision of the Government of Austria to return art held in its federal museums and collections to surviving pre-war owners and their rightful heirs notwithstanding legal defenses. We hope other European governments will follow Austria's example in their own way, so they can complete the restitution process their predecessors left in abeyance after the war.*”

We fully agree. Transcending applicable law towards moral standards in order to produce just and fair solutions represents a weighing of interests, if not the most fundamental weighing of interests involved, in favour of those who would not succeed with their claims under legal standards. Thus, the point of controversy cannot be whether there should be a

“We can begin by recognizing this as a moral matter -- we should not apply the ordinary rules designed for commercial transactions of societies that operate under the rule of law to people whose property and very lives were taken by one of the most profoundly illegal regimes the world has ever known.”

weighing of interests or not. There always is, once we embark on decisions about “justice” as the core issue of any moral matter. Rather, the point must be: how do we do it.

2. Observations on the Dutch practice

At the conference “20 years Washington Principles: Roadmap for the Future” in Berlin 2018,²⁴ Eizenstat criticized the then Dutch practice.²⁵ This critique reacted to Article 3 of the Regulations of the Restitutions Committee and the practice evolving thereunder.²⁶ The Regulations were introduced in 2007 for binding opinions on objects held by non-state holders, i.e. all objects outside the NK collection and the “general” state collection, and Article 3 included a balancing of interests and listed a number of aspects to be taken into account. Later, the approach in Article 3 was extended to objects in the state collection (2012) and the NK collection (2015).

The list of relevant aspects for balancing included, *inter alia*, an interest of the museum in keeping its collections.²⁷ The Kohnstamm Report recommended deleting this aspect.²⁸ Additionally, the Committee recommended, *inter alia*, deleting the aspect of the significance of the work to the claimant,²⁹ while other aspects relevant for the assessment of the moral strength of the claim remained in place. According to the Kohnstamm Committee this “streamlined” mode of weighing interests should apply once the Restitutions Committee assessed it to be “highly plausible” that the claimant is the original owner or the heir of that original owner.³⁰ Further, it must be assessed to be “sufficiently plausible” that the loss of the original ownership was involuntary due to circumstances directly related to the Nazi regime.³¹ Obviously, the attributes “sufficient”

and “directly” introduce elements of evaluation and thus an (implicit) weighing of aspects and thereby certain interests of the case at hand (although this is not the kind of weighing of interests that gave rise to the controversies about the Dutch assessment framework). In turn, where there is no high plausibility for ownership or no sufficient plausibility for a loss or where that loss is not sufficiently directly related to the Nazi regime, in the view of the Kohnstamm Committee there is no claim – except “where the specific details of the case provide compelling reasons” “to deviate”, by way of exception, “from one or more elements” of the proposed assessment framework.³² Obviously, this introduces an overall residual weighing of interests. Finally, “mediatory solutions” as proposed by the Kohnstamm Report in case of good faith acquisitions of objects other than those in the NK collection outside the general state collection contain another element of reconciling or weighing competing interests.

Following the publication of the Kohnstamm Report, the Minister for Education, Culture and Science, in her letter of 12 March 2021, supported the Kohnstamm Committee’s recommendations and stated that the interest of the applicant for the work as well as the interest of the holder and public collection for the work and the extent to which the applicant has made an effort to retrieve the work should not play a role anymore when weighing up interests.³³ However, this statement does not seem to exclude the possibility that other elements still do.

As a result of the Kohnstamm Report and the Minister’s response, a new Decree Establishing the Restitutions Committee, taking effect from 22 April 2021, replaced the existing Decree.³⁴ Furthermore, the Restitutions Committee changed its procedure and issued new Regu-

“[t]he Panel’s paramount purpose shall be to achieve a solution which is fair and just both to the claimant and to the institution”.

lations. These Regulations are now applicable for both advices and binding opinions, i.e. for all proceedings before the Committee.³⁵ As part of these changes, the express mention of a museum’s interest in keeping its collection as a balancing aspect was deleted. The 2021 Decree contains an assessment framework for assessing the moral strength of claims: If the requirements of “original ownership” and “involuntary loss of possession” are met, unconditional restitution takes place with regard to any works from the entire state collection. With regard to binding opinions on objects in non-state collections, the criteria of “acquisition in good faith” must be considered. If the holder of the cultural item did not act in good faith or does not invoke this criteria, the object is to be restituted unconditionally. If the holder did act in good faith, the consequence can still be an unconditional restitution or, alternatively, will be a mediatory solution.

To develop mediatory solutions, the Committee must act within Article 8 of the Washington Principles to “achieve a just and fair solution, recognizing this may vary according to the facts and circumstances surrounding a specific case”. Given the broad wording of the provision and the statement of the Restitutions Committee in the press release on 2021 Decree, that „all the circumstances in the case can be taken into account in the case of a mediated solution [...]”³⁶, it is clear that there will be still a balancing of interests in the future in these cases. In addition, the Kohnstamm Report’s recommendation to allow for the deviation from the standard restitution

rules in exceptional cases is also reflected in the new assessment framework: Paragraph 5 states that the Committee may deviate from one or more of the procedures in this assessment framework in order to achieve a just and fair solution as referred to in Article 8 of the Washington Principles, if particular circumstances provide substantial reason to do so.

The foregoing assessment of the genesis and current state of the Dutch assessment framework shows much concern and controversy about which aspects should be included in a weighing of interests and which should be excluded. Indeed, the point must be: how do we do it. This leads back to the initial question we posed above: Is weighing of interests as such a unique feature of the Dutch practice and as such to be criticised? Our theoretical position is clear: balancing of interest is an inherent element of any decision on justice.

Our comparative research indicates that all committees embark on weighing of interests in some way. Some do it expressly and according to their assessment frameworks, like the Dutch committee. Likewise the UK committee: section 14 of the Panel’s Terms of Reference reads: “*[t]he Panel’s paramount purpose shall be to achieve a solution which is fair and just both to the claimant and to the institution*”.³⁷ Some committees do it sometimes expressly but most of the time implicitly (the German committee³⁸), some do it in certain areas (the French committee) and some do not do it themselves because their assessment framework has done it for them comprehensively under a codificatory approach (Austrian com-

From a legal standpoint, restitution of the painting is therefore impossible. Nevertheless, the Advisory Commission in its search for a ‘just and fair solution’ in line with the Washington Principles is not limited to the legal assessment. Rather, it is specifically called upon to consider ethical and moral aspects in order to reach a recommendation that addresses the particulars of each individual case”

mittee). It goes beyond the scope of this brief note to go into details, and of course, the respective approaches can only be fully understood in their respective normative contexts. We will further elaborate on this point in our Restatement. In the following of this text, we will restrict ourselves to some comparative observations on the German committee’s recent practice that we find remarkable, as it appears to be in direct opposition to the latest trends in the Netherlands how to weigh interests:

3. Observations on the German practice

In Germany, the Government laid down some rules for assessing claims in its “Guidelines” (“*Handreichung*”).³⁹ These Guidelines provide for a nucleus of a framework that elaborates mostly on sales but of course includes takings by state organs. In respect of sales, a presumption of an involuntary loss applies for persecuted persons. This presumption can be rebutted on narrowly defined grounds. Nothing is said about any balancing of interests. According to § 6 (3) lit. b of the Rules of Procedure,⁴⁰ the criteria for the Commission’s discussions and recommendations shall be these Guidelines. However, § 6 (4) adds: “In

its discussions and recommendations the Commission shall take particular account of: a. the circumstances resulting in the loss of cultural property, b. the circumstances in which the cultural property was acquired and the research conducted concerning its provenance.”

Against this somewhat opaque and abstract background, the German Commission, in its recommendation of 1 July 2020,⁴¹ explicitly embarked on a weighing of interests: “*The legal assessment of the facts is clear: the applicants could not lose ownership of the contested painting because they never had absolute ownership [since the painting had been transferred to the persecuted person as collateral to secure a loan of that person to the borrower, i.e. as property that from the outset was destined to be retransferred after repayment of the loan]. From a legal standpoint, restitution of the painting is therefore impossible. Nevertheless, the Advisory Commission in its search for a ‘just and fair solution’ in line with the Washington Principles is not limited to the legal assessment. Rather, it is specifically called upon to consider ethical and moral aspects in order to reach a recommendation that addresses the particulars of each individual case.”*⁴²

First of all, it must be observed that original ownership on the part of the claimant as per-

secuted person or as heir of the latter is not just a “legal standpoint” but an issue of fundamental relevance to any moral consideration about the legitimacy of a claim for restitution under the Washington Principles and its national implementations.⁴³

In its weighing, the German Advisory Commission included the following aspect: “[t]he applicants memorably described the great symbolic significance attributed to the painting by the family”.⁴⁴ This aspect strikingly resembles “the significance of the work to the applicant” which was contained in Article 3 lit. e of the former Dutch Regulations. This very aspect, however, is one of those that the Kohnstamm Committee recommended removing as inadequate after long controversies and the Dutch Minister again supported this suggestion.⁴⁵

The German Advisory Commission went on: “The Commission also takes into account that the applicants’ interests are not opposed by equally valid concerns of the respondent. The respondent received the painting as part of a larger purchase. The acquisition ... was thus not based on a deliberate curatorial decision; the painting is not part of the collection rationale and had not previously been exhibited”.⁴⁶ This aspect strikingly resembles “the significance of the work to the owner” which was contained in Article 3 lit. f of the former Dutch Regulations. As already discussed,⁴⁷ this aspect is another one of those that the Kohnstamm Committee recommended removing as inadequate and the Dutch Minister again supported this suggestion.

Finally, the German Advisory Commission summed up: “... a comprehensive weighing of all relevant concerns ultimately prompted the recommendation to return the painting”.⁴⁸

Was the German Commission aware of the opposite direction of the discourse in the

“Act only according to that maxim whereby you can, at the same time, will that it should become a universal [moral] law”

Netherlands on these issues? More importantly, what will be the approach of the German Commission in a future case where there is little or no significance of the artwork to the claimant and a strong significance to the holder? It seems that the German Committee has manoeuvred itself into a difficult position by introducing these criteria outside its assessment framework on an ad hoc basis: theoretically, the Commission would have to use its own criteria in such a case as a matter of equality. Then, however, these criteria would work against the claimant.⁴⁹ Alternatively, the Commission would have to ignore its own criteria, as soon as they work against a claimant. Applying or ignoring criteria with a view to one category of parties would mean violating a fundamental principle of morality (and law), which is “reciprocity” or “universalisation”. Be it allowed to remind ourselves of Immanuel Kant’s “categorical imperative” (“*kategorischer Imperativ*”), the central concept of his deontological moral philosophy: “Act only according to that maxim whereby you can, at the same time, will that it should become a universal [moral] law”.⁵⁰ “Universality” in this sense means that maxims like “consider the significance of the work for the claimant in a weighing of interests” or “consider the significance of the work for the holder in a weighing of interests” should only guide a commission to the extent that these criteria can be generalised.⁵¹ To put it differently: either we consider a criterion, or we do

We want to see justice. Whenever we criticize an aspect of current debate or practice we do it in order to strengthen the overall legitimacy of the claimants' just cause to get to just and fair solutions.

not, but whatever we decide to do, we must do it consistently, reciprocally, in an equal manner.

Equality extends to the international scene. Of course, the Preamble of the Washington Principles *"recognizes that among participating nations there are differing legal systems and that countries act within the context of their own laws"*. There are indeed significant and legitimate differences amongst the national implementations. However, when it comes to concrete points of evaluation of the moral strength of a claim – e.g. the significance of the work to the claimant, the significance of the work to the museum – a contradictory practice undermines the legitimacy of each conflicting decision. As it seems, the German Commission will be confronted with this challenge soon.⁵²

To sum up, we note once more that balancing of interests is everywhere, be it expressly (like in this case, in this respect unique in the German practice and conducted in a questionable way), be it implicitly (like in many other German and international cases handled by the five Commissions). This cannot be a surprise as such balancing is inherent to any kind of decisions on justice. Otherwise, a "justice relation" (*"Gerechtigkeitsverhältnis"*) cannot be conceptualised meaningfully,⁵³ because evidently such a relation, like any "relation", necessarily involves two sides.

Rather, the point must be: how do we do it. In regard to this central point, the new Dutch approach appears more promising than the current German practice.

IV. Conclusion

"Our first and foremost thoughts must be with the victims of the Holocaust and their families".⁵⁴ We want to see justice. Whenever we criticize an aspect of current debate or practice we do it in order to strengthen the overall legitimacy of the claimants' just cause to get to just and fair solutions. Theoretical and comparative research show that justice comes about in assessment frameworks, combined with evaluations for openly framed requirements and a weighing of interests where appropriate, including adequate aspects only, but this weighing must be conducted in a consistent and reciprocal manner. Otherwise, it does not produce justice. Some jurisdictions emphasise the first limb of this formula, the assessment framework, and reduce the second limb, evaluation and weighing in the concrete case, to a minimum, if not to zero (Austria), others are somewhere in between (UK, France, the Netherlands), others are floating ad hoc and without explanation between the two limbs from case to case, partly outside their own assessment framework (Germany).

ADDENDUM

Sometimes, criteria are introduced against settled trends in other jurisdictions, criteria that had turned out as problematic with good reasons. It is dissatisfactory if they reappear somewhere else unexpectedly and without any reflection about their fundamental critique.⁵⁵ A comparative approach helps avoiding such antinomies and informs each of the jurisdictions involved with valuable input from the experience of other jurisdictions. Commissions should include a comparative perspective in their reasoning. This would considerably strengthen the legitimacy of their recommendations.⁵⁶

The German Commission has done so recently on the issue of good faith with a view to the practice (only) in Austria,⁵⁷ but unfortunately did not continue doing so in its latest recommendation on the issue of “Fluchtgut”⁵⁸ – despite a number of contradicting recommendations from other European commissions (to say nothing of its own and diametrically opposed recommendations in earlier cases⁵⁹). Justice requires reasoning, thereby producing consistency, thereby producing predictability and, based thereon, reconciling competing equities of ownership or other stakes involved, i.e. an adequate balancing of interests.

End notes

- 1 See Evelien Campfens (ed.), *Fair and just solutions – Alternatives to litigation in Nazi-looted art disputes: status quo and new developments*, Den Haag 2015.
- 2 Matthias Weller, *Key elements of just and fair solutions – the case for a restatement of restitution principles*, in *id.*, pp. 201 et seq.
- 3 For further information, see the project's website <https://www.jura.uni-bonn.de/professor-prof-dr-weller/research-project-restatement-of-restitution-rules/>.
- 4 Tessa Scheller, the co-author of this text, is one of them. She is responsible for the Netherlands in the project. The other team members are (in alphabetical order): Anne Dewey (Austria), Annika Dorn (UK), Charis Hahne (Germany), Hannah Lehmann (Switzerland), Johannes von Lintig (France), Antonetta Stephany (procedural theory), Leva Wenzel (legal and justice theory). All of them contributed with their respective expertise to this text.
- 5 So far, we have collected around 1.100 cases from publicly available sources and voluntary submissions of material and information to us. Around 500 of these cases come from Germany. Please consider contributing, as so many did already (restatement@jura.uni-bonn.de).
- 6 The American Law Institute (ALI) is the leading independent organization in the United States producing scholarly work to clarify, modernize, and otherwise improve the law, <https://www.ali.org/about-ali/>.
- 7 See e.g. Matthias Weller, *20 Jahre Washington Principles: Für eine Grammatik der Restitutionsgründe*, *Bulletin Kunst & Recht* 2018/2 – 2019/1, pp. 34 et seq.
- 8 Dietmar von der Pfordten, *Rechtsethik*, 2nd ed. Munich 2011, pp. 216 et seq. Dietmar von der Pfordten was a Member of the German Commission until recently, but seemed to have stepped down. The Commission's website only lists the current members (and does not seem to track changes in its composition), <https://www.beratende-kommission.de/Web/BK/DE/Mitglieder/Index.html> (8 October 2021). Transparency and thus legitimacy would be increased by providing full information, including the duration of terms of former members of the commissions.
- 9 Continental European jurists are familiar with such works as “commentaries” on the law. Such commentaries take the rules of law and comment on them in light of practice and theory. If there is just practice (like in our field), rules that structure this practice along recurring points of contents must be formulated first. This is the task of our Restatement.
- 10 As the Restatements of the ALI are, when they look at the court practice in the 50 states of the USA under the respective state law, e.g. in matters of contract law.
- 11 See the participating five commissions in the Network of European Restitution Committees.
- 12 No. 10: “Commissions or other bodies established to identify art that was confiscated by the Nazis and to assist in addressing ownership issues should have a balanced membership”. No. 11: “Nations are encouraged to develop national processes to implement these principles, particularly as they relate to alternative dispute resolution mechanisms for resolving ownership issues.”
- 13 As the American Law Institute (ALI) for its US-American Restatements of the Law does it, e.g. in respect to telling Canadian case law to the point in question.
- 14 Follow-up editions are issued by the American Law Institute on a regular basis, see e.g. the Restatement (Third) of Restitution & Unjust Enrichment of 2011, touching quite closely on issues relevant to our matters, but of course from a general and juridical perspective.
- 15 Committee for the Evaluation of the Restitution Policy for Cultural Heritage Objects from the Second World War (“Kohnstamm Committee”), *Striving for Justice*, 7 December 2020 (“Kohnstamm Report”), <https://www.raadvoorcultuur.nl/documenten/adviezen/2020/12/07/striving-for-justice>.
- 16 The event was part of the biannual lecture series “Bonn Talks on Art and Cultural Property Law” that was started in 2018 with a presentation by the chair of the German Beratende Kommission Professor Dr Hans-Jürgen Papier. Since then, the series has covered a number of topics relating to the restitution of Nazi-looted art. The title of the February event was “Striving for justice? The evaluation of the Dutch restitution policy in an international context: A talk about the ‘Kohnstamm Report’”. The event was moderated by the authors of this text, together with Alfred Fass as the representative of the Center. The Kohnstamm Committee, in the preparation of its Report, had invited both Alfred Fass and Matthias Weller to hearings.
- 17 Jacob Kohnstamm has been appointed Chair of the Dutch Restitutions Committee for a period of three years beginning 28 September 2021, <https://www.restitutiecommissie.nl/en/news/appointment-chair-rc/>.
- 18 Partner at Bergh Stoop & Sanders, Amsterdam.

ADDENDUM

- 19 Chairman, Center for the History of the Dutch Jewry at the Hebrew University of Jerusalem.
- 20 The event was recorded and made publicly available at the youtube channel “Bonn Talks on Art and Cultural Property Law”, <https://www.youtube.com/watch?v=AjJsd9JfgSI&t=385s>.
- 21 Aristotle, Nicomachean Ethics, Book V, Chapter 5, p. 106, para 20 (1131a), translations from the German edition of Eugen Rolfes as edited by Günter Bien, Hamburg, 4th ed. 1985.
- 22 Stuart E. Eizenstat, Under Secretary for Economic and Business Affairs, In Support of Principles on Nazi-Confiscated Art, Presentation at the Washington Conference on Holocaust-Era Assets, Washington, DC, December 3, 1998, https://1997-2001.state.gov/policy-remarks/1998/981203_eizenstat_heac_art.html (8 October 2021).
- 23 See also Kohnstamm Report, p. 27: „The balancing of interests applied by the committee is rooted in the Washington Principles“.
- 24 German Lost Art Foundation, 20 Years Washington Principles: Roadmap for the Future, 26 to 28 November 2018, https://www.kulturgutverluste.de/Content/01_Stiftung/EN/Event-review/2018/Program-20-Years-Washington-Principles-Roadmap-to-the-Future.pdf;jsessionid=A9E-30E53B520D5D4DF9B9E1689AC8F3F.m0?_blob=publicationFile&v=2 (8 October 2021).
- 25 The transcript provided to the authors by claimants’ representatives reads: “The recent introduction of the ‘balance of interests’ is totally contrary to the Washington Principles. It is not sufficient to say that where there is a confiscation the balance will always be in the favour of the claimant. The whole point is that ‘just and fair solutions’ was not intended to focus on the interest of the museum in keeping collections. It was entirely to focus on the claimants’ just solutions.” This statement appears stricter in its approach than the explanations in the Conference Materials cited above at note 22 but this is not the point here. Rather, the point is which aspects should be relevant to balance interests adequately, as it is shown in the following of the main text.
- 26 On an insightful analysis (on a comparative basis) see Tabitha Oost, Oost, From “Leader to Pariah”? On the Dutch Restitutions Committee and the inclusion of the public interest in assessing Nazi-spillated art claims, in: International Journal of Cultural Property, Volume 28, 2021, pp. 55 et seq.
- 27 Article 3 of the Regulations for opinion procedure under article 2, paragraph 2 and article 4, paragraph 2 of the Decree Establishing the Advisory Committee on the Assessment of Restitution Applications for Items of Cultural Value and the Second World War, Version 2019, <https://www.restitutiecommissie.nl/en/system/files/Regulations2019.pdf> (8 October 2021).
- 28 Id., at p. 28 et seq.
- 29 Id.
- 30 Kohnstamm Report, p. 35, Assessment Framework no. 2; see also Recommendations of the Ekkart Committee, April 2001, Recommendation no. 8, available at: https://www.restitutiecommissie.nl/en/system/files/aanbevelingen%20Ekkart2001-ENG_0.pdf (8 October 2021).
- 31 For further fine-tuning of justice, the following presumption applied: sales of works of art by Jewish private persons in the Netherlands from 10 May 1940 onwards are treated as forced sales, unless there is express evidence to the contrary. The same principle applied in respect of sales by Jewish private persons in Germany and Austria from 1933 and 1938 onwards, respectively, Recommendations of the Ekkart Committee, April 2001, Recommendation no. 3, https://www.restitutiecommissie.nl/en/system/files/aanbevelingen%20Ekkart2001-ENG_0.pdf (8 October 2021); see also Kohnstamm Report, p. 33, Assessment Framework no. 4; in the new Decree Establishing the Restitutions Committee, taking effect from 22 April 2021, this was even further extended to include all categories of loss.
- 32 Kohnstamm Report, p. 35.
- 33 Letter of the Ministry for Education, Culture and Science of 12 March 2021 to the Speaker of the Lower House, Reference 27221050 p. 4, https://www.lootedart.com/web_images/pdf2021/Ministry%20for%20Education,%20Culture%20and%20Science%20letter%2010.3.2021.pdf (8 October 2021).
- 34 Decree establishing a Restitutions Committee, 22 April 2021, available at: <https://www.restitutiecommissie.nl/wp-content/uploads/2021/07/Decree-RC-per22April2021.pdf>
- 35 Restitutions Committee Procedural Regulations 2021, 22 April 2021, available at: <https://www.restitutiecommissie.nl/wp-content/uploads/2021/07/RC-Regulations-per15July2021.pdf>.

ADDENDUM

- 36 Press Release of the Dutch Restitutions Committee “New Decree Establishing the Restitutions Committee and Restitutions Committee Regulations”, 22 April 2021, available at: <https://www.restitutiecommissie.nl/en/news/new-decree-rc/>
- 37 Underlining added. See also Charlotte Woodhead, *Nazi Era Spoliation: Establishing Procedural and Substantive Principles*, Art Antiquity and Law 18 (2013), p. 167, at p. 176. See also e.g. Spoliation Advisory Panel, Report HC 1839 of 7 March 2012 – Netter/British Museum, para. 21: „Having concluded on balance that this was a forced sale, the Panel, nonetheless, considers that the sale is at the lower end of any scale of gravity for such sales”.
- 38 For further details see below.
- 39 Guidelines for implementing the Statement by the Federal Government, the Länder and the national associations of local authorities on the tracing and return of Nazi-confiscated art, especially Jewish property, of December 1999, Revised Version 2019, https://www.kulturgutverluste.de/Content/08_Downloads/EN/BasicPrinciples/Guidelines/Guidelines.pdf?__blob=publicationFile&v=8 (8 October 2021). For a critical assessment see e.g. Matthias Weller, *Restitution nationalsozialistischer Raubkunst: Das deutsche Zurechnungsmodell unter der Lupe*, in: Peifer et al. (eds.), *Kultur, Kunst und Persönlichkeit – Festschrift für Haimo Schack zum 70. Geburtstag*, Tübingen, Mohr Siebeck, 2022, forthcoming.
- 40 Rules of Procedure of the Advisory Commission on the return of cultural property seized as a result of Nazi persecution, especially Jewish property, as of 2 November 2016, https://www.beratende-kommission.de/Webs_BK/EN/Rules-of-Procedure/Index.html (8 October 2021).
- 41 Recommendation of the German Advisory Commission in the case of Heirs of A. B. ./. Bavarian State Painting Collections, 1st July 2020, available at: https://www.beratende-kommission.de/Content/06_Kommission/EN/Empfehlungen/20-07-01-Recommendation-Advisory-Commission-B-BayerischeStaatsgemaeldesammlung.pdf?__blob=publicationFile&v=3 (8 October 2021).
- 42 Recommendation of the German Advisory Commission (note 40), at p. 4.
- 43 See e.g. Guidelines (“Handreichung”), p. 35: “necessary to provide evidence” (mitigated, of course, in light of Washington Principle No. 4, id.); Kohnstamm Report, p. 31: one of two “absolute requirements for restitution: the applicant must be the original owner or heir of the original owner”, mitigated, of course, in light of Washington Principle No. 4 to a reduced standard of “high plausibility”, see above. The other absolute requirement is involuntary dispossession, id. See also Matthias Weller, *Antinomien und andere Auffälligkeiten in der Spruchpraxis der Beratenden Kommission zur Restitution nationalsozialistischer Raubkunst* In: Nolte et al. (eds.), *Gestaltung der Informationsordnung – Festschrift für Thomas Dreier zum 65. Geburtstag*, Baden-Baden 2022, forthcoming.
- 44 Recommendation of the German Advisory Commission (note 40), at p. 4.
- 45 See above at note 28 and accompanying text.
- 46 Recommendation of the German Advisory Commission (note 40), at p. 4.
- 47 See above at note 27 and accompanying text.
- 48 Recommendation of the German Advisory Commission (note 40), at p. 5 (underlying added).
- 49 See above at note 21 on Aristotle’s paradigm of justice as equality.
- 50 Immanuel Kant, *Grundlegung zur Metaphysik der Sitten*, 1785, AA IV, p. 421, lines 7 and 8 (translation provided by the authors of this text).
- 51 See, for an adapted version integrated in his „discourse theory” by e.g. Jürgen Habermas, *Moralbewusstsein und kommunikatives Handeln*, Frankfurt 1983, p. 77.
- 52 According to the press, a “German” version of the Lewenstein case will come up soon, <https://www.sueddeutsche.de/kultur/raubkunst-kommission-als-das-leben-noch-bunt-war-1.4845045> (8 October 2021).
- 53 See once more Dietmar von der Pfordten, *Rechtsethik*, 2nd ed. Munich 2011, pp. 216 et seq.
- 54 Matthias Weller, *Cross-border restitution claims of works of art and cultural goods looted in armed conflicts and wars*, Hearing on looted arts, European Parliament, 3 December 2019, <https://multimedia.europarl.europa.eu/en/web-streaming?id=20191203&lv=ALL> (8 October 2021).
- 55 See Matthias Weller, *Antinomien und andere Auffälligkeiten in der Spruchpraxis der Beratenden Kommission zur Restitution nationalsozialistischer Raubkunst* In: Nolte et al. (eds.), *Gestaltung der Informationsordnung – Festschrift für Thomas Dreier zum 65. Geburtstag*, Baden-Baden 2022, forthcoming.

ADDENDUM

- 56 See e.g. Annika Dorn, Why comparing with others can be a good thing, Network of Restitution Commissions Newsletter 10 (June 2021), pp. 27 et seq.
- 57 Recommendation of the German Advisory Commission, in the case of the heirs of Heinrich Rieger v. The City of Cologne, https://www.beratende-kommission.de/Content/06_Kommission/EN/Empfehlungen/21-02-08-Recommendation-Advisory-Commission-Rieger-CityOfCologne.pdf?blob=publicationFile&v=3 (8 October 2021).
- 58 Recommendation of the Advisory Commission in the case of the heirs of Kurt and Else Grawi vs. Landeshauptstadt Düsseldorf, https://www.beratende-kommission.de/Content/06_Kommission/EN/Empfehlungen/21-03-26-Recommendation-Advisory-Commission-Grawi-LandeshauptstadtDuesseldorf.pdf?blob=publicationFile&v=5 (8 October 2021).
- 59 See in particular Recommendation of the Advisory Commission regarding the painting “Three Graces” by Lovis Corinth, https://www.beratende-kommission.de/Content/06_Kommission/EN/Empfehlungen/14-08-21-Recommendation-Advisory-Commission-Levy-BayerischeStaatsgemaeldesammlung.pdf?blob=publicationFile&v=7 (8 October 2021).

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