

## Lost property

Families whose art was looted by the Nazis still seem reluctant to pursue their property. **Shauna Isaac** speaks to some of the successful claimants about the return of their stolen works, and argues that more needs to be done to encourage others to seek justice

In recent years, there have been many stories in the press about art looted during the Nazi era. In 1998, 44 countries met at the Washington Conference on Holocaust-Era Assets and unanimously agreed that owners of objects looted during the war should be encouraged to file claims on any items that had not been restituted. Despite a flurry of publicity following the conference, the number of families filing claims has been less than overwhelming.

In the United Kingdom, a Spoliation Advisory Panel was established in 2000 to help resolve claims for Nazi era looted art now in national collections, but just half-a-dozen claims have been publicly filed, and only one has seen its way to resolution. This was a compensation claim for Jan Griffier the Elder's *View of Hampton Court Palace*, acquired by Tate in 1961. The Panel upheld the claim and awarded an *ex gratia* payment to the claimant.

The successful outcome of this case might have encouraged more families in Britain to file claims, but this has yet to happen. Sir Nicholas Serota, the Chairman of the Spoliation Working Group of the National Museums Directors Conference, states that 'The issue of restitution is a very important one and we are glad that cases like the Tate's Griffier appear to have been resolved satisfactorily. In matters like this it is impossible to say how many cases there will be in the future, but we would certainly encourage anyone who feels they might have a claim to come forward.'

Organisations in other countries, such as the

Holocaust Claims Processing Office (HCPO), the Commission for Art Recovery (both in the USA), and the Dutch Restitution Committee in Holland, have been instrumental in helping to reunite claimants with their lost treasures. The HCPO has filed 139 claims for thousands of looted objects since it was established in 1997, and they have been able to return, or to reach a settlement on, 12 items. The Dutch Restitution Committee, which has been in operation since the end of 2005, has received 21 restitution applications for over 500 objects. Of the 14 applications the committee has decided on, 11 were ruled in favour of restitution.

Families who have had objects restored to them feel that past injustices are finally being corrected. These families travel through an emotional journey, reliving harrowing stories of death and survival during the Nazi regime. However, the journey does not end when the objects are returned. They then have to determine what to do with their heirlooms, and the decisions are as varied and unique as each family.

In September 2000, Thekla Norwich was given back over 100 objects that belonged to her aunt and uncle. Thekla's uncle was a prestigious Jewish publisher and collector in Leipzig, whose business was confiscated by the Nazis. He died in 1934, and his widow committed suicide in 1939. Before Thekla's aunt died, she made arrangements to send all her property to Thekla's father in the USA, but nothing arrived. The family tried for several years after the war to retrieve their lost property, but were unsuccessful. Thekla eventually received help from the Commission

for Art Recovery, which helped her to find her uncle's works of art and negotiate their return.

In 1999, the German government passed a joint declaration stating that museums should return anything in their collections found to be looted. Thekla's family was the first to get back objects from Germany under this declaration, and they were handed over at a ceremony at the Brandenburg Gate in Berlin. Thekla recalls that 'it was very emotional. It was not a joyous occasion. It brings back a tremendous feeling of sadness, but also some minor feeling of justice.' Although the German government was under no legal obligation to return the objects (since the 1999 declaration was a statement of policy rather than a law), Thekla believes that 'it was an ethical and moral thing to do. I was impressed with the German government and it gave me a very good feeling and helped to mend emotional fences with the German government and the people.' Due to the size and value of the objects in her uncle's collection, including *The Waichsee on St John's Eve* by Louis Corinth, and *The Lute Player* by Max Klinger, the family decided to auction the items at Sotheby's. Thekla originally felt that keeping any of the art in her house would be too painful, but has since changed her mind. As a thank you for all her hard work, Thekla's family gave her a Georg Kolbe statue, which she is proud to have as a keepsake.

Thekla was well aware of her aunt and uncle's tragic history, but other families have come across such knowledge by chance. Fran Frederick's mother emigrated from Germany to the USA. Fran grew

had filed with the US Department of Justice in the 1970s. Attached to the claim was a photograph of a painting by Anselm Feuerbach entitled *Head of a Girl*, which was shown hanging on the wall of her grandparent's salon. Fran marvelled that someone had thought to take a picture of this particular painting, and deemed that it must have been important to her grandparents. In 2001, she filed a claim for the painting with the HCPO, who found it in Berlin's Prussian Cultural Heritage Foundation (SPK). The SPK investigated the case, confirmed that Fran's grandparents did indeed own the painting, and decided to give it back to her family. When Fran heard about this, she felt justice had been achieved: 'It wasn't getting the painting back that moved me, so much as fixing something that was wrong.'

Fran's family discussed what to do with the painting once it was returned. The painting was valued at \$18,000 (£10,000), and they decided that it would be logistically difficult for them to keep it. After researching various options, they chose to donate it to the Leo Baeck Institute in New York, which studies German Jewish history. Fran commented that the Institute 'is where the painting belongs'.

For some, loaning a valuable work to a museum seems like the only reasonable thing

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to do. Sidney de Kadt was awarded restitution of his family's painting *Elegant Company Making Music on a Terrace* by Dirk Hals (brother of Frans). His father, a Dutch businessman, originally owned the painting but sold it to the Nazi confiscation agency Dienststelle Muhmann in order to obtain an exit visa for himself and Sidney to move to America. In 1946, the painting was found in Germany by the Allies and returned to the Netherlands as confiscated property. In 1948, Sidney's father filed a claim to get the painting back, but the Dutch government rejected the claim since the sale had been voluntary.

Sidney joined the Dutch armed forces during the war and moved back to Holland in 1955. In 2001, after he came across the painting both in a book and online, he was inspired to try to get back his family's heirloom. After two years of intensive lobbying, which included consulting

lawyers and government officials, as well as obtaining proxies from all the potential heirs agreeing that he would handle the matter, Sidney handed a claim in to the Dutch Restitution Committee. The Committee agreed that this was a forced sale and ruled in favour of returning the painting to him. Sidney was gratified and relieved, commenting 'The painting has an emotional value because it was connected with my family's departure from Holland.' Sidney and his family decided to loan the masterpiece to the State-run Frans Hals Museum in Haarlem if the government agreed to two conditions: that the painting would hang in a prominent location and that there would be a plaque explaining its history.

When looted cultural objects are returned, the families are given back part of their heritage and feel a sense of justice. They can then decide what to do with the items and achieve closure to a dark chapter in history. Many Holocaust survivors are dying of old age, and soon there will no longer be living testimony to what happened. Further work needs to be done to help locate families and their missing treasures.

The National Museum Directors' Conference has asked museums to go through their collections and publish a list of objects with gaps in their provenance from 1933 to 1945, so that anyone with further information on these works can come forward. This initiative is welcome, but as only 46 leading museums out of an estimated 2,500 museums in the UK have so far published their lists on the NMDC website, we do not have a comprehensive audit of all UK collections. And although many countries have made great strides in establishing claimant organisations and in working together to resolve restitution claims, this should also be considered a first step. These organisations encourage families to come forward and file claims, but more resources should be devoted to tracing families who have had objects confiscated from them. When the rightful owners are found, the number of claims filed and objects restituted will increase, and justice will prevail. □

